



Section 1. General Information

1.1 What is the September 11th Victim Compensation Fund?

The September 11th Victim Compensation Fund (VCF) is part of legislation passed by Congress and signed into law by the President to provide compensation for economic and non-economic loss to individuals or relatives of deceased individuals who were killed or physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001. The original VCF operated from December 2001 until June 2004.

On January 2, 2011, President Obama signed into law the James Zadroga 9/11 Health and Compensation Act of 2010 (Zadroga Act), which reopens the September 11th Victim Compensation Fund of 2001. The Zadroga Act expanded the scope of the original VCF to enable more individuals who suffered physical injury or death as a result of the September 11th attacks to obtain compensation from the program.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001 or the debris removal efforts in the immediate aftermath of the attacks. Others, who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment), are not included in this special program. Compensation will be provided only for losses caused on account of personal physical injuries or death.

Like the initial VCF, the Act provides that an individual who elects compensation from the VCF waives his or her rights to pursue litigation to seek damages for the physical injury or death resulting from the September 11th attacks.

The new VCF is being administered by Special Master Sheila Birnbaum, who was appointed by the Attorney General of the United States.

1.2 Who is eligible for the new VCF? *(Updated: October 2, 2012)*

The Zadroga Act provides that individuals are eligible if they were present at the September 11th crash sites at the time of the crashes or between September 11, 2001 and May 30, 2002, and suffered physical harm as a direct result of the crashes or debris removal. Personal representatives of those who died as a result of the crashes or debris removal are eligible to bring claims on behalf of the deceased individual.

For those individuals who have suffered a physical injury, the VCF's final regulations define eligible physical harm to mean a physical injury to the body that was treated by a medical professional within a reasonable time from the date of discovering the harm. In addition, the physical injury must be verified by or at the direction of the medical professional who provided contemporaneous medical care.

In order to be covered by the VCF, your physical harm (or death) must have been a result of September 11th. Traumatic injuries incurred as a result of the attacks are eligible "physical harm." In addition, certain latent health conditions and diseases are eligible. The final regulations provide that initially, these presumptively covered health conditions and diseases will consist of the physical injuries that the World Trade Center (WTC) Health Program has determined to be WTC-related health conditions. The WTC Health Program is operated by the National Institute for Occupational Safety and Health (NIOSH) and provides medical treatment and monitoring for WTC-related health conditions.



Currently, the physical injuries, health conditions and diseases that are presumptively covered under the VCF are:

- Interstitial lung disease
- Chronic Respiratory Disorder – Fumes/Vapors
- Asthma
- Reactive Airways Dysfunction Syndrome (RADS)
- WTC-exacerbated Chronic Obstructive Pulmonary Disease (COPD)
- Chronic cough syndrome
- Upper airway hyper reactivity
- Chronic rhino sinusitis
- Chronic nasopharyngitis
- Chronic laryngitis
- Gastro-Esophageal Reflux Disorder (GERD)
- Sleep apnea exacerbated by or related to the above conditions.
- Low back pain
- Carpal tunnel syndrome (CTS)
- Certain other musculoskeletal disorders defined as “a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during” the period between September 11, 2001 and May 30, 2002 or as determined by the Special Master
- Traumatic injuries
- Certain types of cancer, as specified in FAQ 3.4

Claimants who have a presumptively covered physical injury, health condition or disease (and representatives of individuals who have died as a result of such a presumptively covered physical injury, health condition or disease) that was caused as a result of September 11th and who are otherwise eligible may receive compensation from the VCF for economic and non-economic as defined in the regulations.

1.3 When did the VCF begin accepting claims? *(Updated: January 24, 2013)*

The VCF began accepting registrations on October 3, 2011. Claimants can register online using a web-based system. The registration process allows Claimants and representatives of Claimants to create an account that will be used for the purpose of filing claims and to provide certain information that will help the VCF start the claims review process. After registering, Claimants may begin completing the first part of the claim form: the Eligibility Form.

Both parts of the claim form – the Eligibility Form and the Compensation Form – are available online. The Eligibility and Compensation Forms are designed to be completed and submitted separately. Claimants may, but are not required, to submit both the Eligibility Form and the Compensation Form at the same time.

For a list of documents and information that will be required when submitting the Eligibility and Compensation Forms, please reference the Document Checklists that are available at www.vcf.gov/docChecklist.html.



1.4 How long will I have to file a claim with the Fund? *(Updated: December 13, 2012)*

In general, Claimants will have two years to complete a Registration Form online. As long as you complete your Registration Form within the relevant two-year window, you can submit your Eligibility Form online at any point during the VCF's existence (i.e., through October 3, 2016). If you choose to submit your claim in hardcopy, the VCF must receive your Eligibility Form, even if not complete, within the relevant two-year window. The Zadroga Act provides that a person who knows (or reasonably should have known) of physical harm resulting from the September 11th attacks as of October 3, 2011 must file by October 3, 2013. If you subsequently learn of physical harm, you must file your claim within two years of the date you learn or reasonably should have known that you suffered a physical injury as a result of the attacks.

The Zadroga Act authorizes the VCF to receive claims for five years after it opens in 2011. Final payments will be made in 2016-17.

1.5 How is the VCF funded?

The VCF is a government program, funded by taxpayers. Congress has appropriated a fixed sum of money for the VCF. This fixed sum is \$2.775 billion. Congress has also determined that \$875 million of that total amount may be paid out in the first five years of the VCF program. The remainder may be paid in the sixth year.

The limitations on funding for the VCF means that in the first five years of the program, Claimants will receive only a portion of the compensation allowed under the rules of the VCF. Depending on the number and type of claims, and in order to ensure that all eligible Claimants receive an award, the Zadroga Act's cap on funding means that it is possible that Claimants' awards will be pro-rated.

The funds appropriated by Congress cover both awards made to Claimants and administrative costs. Because every dollar spent on administrative costs is a dollar that cannot be paid to Claimants, the VCF will provide a streamlined, efficient administrative process.

1.6 How is the VCF different than the World Trade Center Health Program?

The VCF is a compensation program. The Zadroga Act also created the World Trade Center (WTC) Health Program, which is operated by the National Institute for Occupational Safety and Health (NIOSH). The WTC Health Program commenced on July 1, 2011 and provides medical treatment and monitoring for WTC-related health conditions. For further questions about the World Trade Center Health Program, please contact the program by phone at 1-888-WTC-HP4U (1-888-982-4748), or on the web at www.cdc.gov/wtc/.

1.7 Where do I get and submit the appropriate forms for filing a claim with the Fund? *(Updated: November 22, 2011)*

There are two different forms. Claimants who have suffered physical injuries as a result of the terrorist-related aircraft crashes of September 11, 2001 must complete the Eligibility and Compensation Form for Personal Injury Claimants. Personal Representatives of individuals who have died as a result of such aircraft crashes must complete the Eligibility and Compensation Form for Deceased Individuals.

Both forms are accessible through the VCF website at www.vcf.gov. You may submit the claims through an online system, and to help ensure efficient processing and to maximize the funds paid to Claimants, all Claimants are strongly encouraged to help lower administrative costs by submitting their claims electronically through the VCF website. However, those Claimants who are unable to use the electronic process can get the proper form in hard copy by calling the toll-free number 1-855-885-1555. Hard copy forms should be submitted as follows:



- **By mail to:**
September 11th Victim Compensation Fund
P.O. Box 34500
Washington, D.C. 20043
- **By overnight mail to:**
September 11th Victim Compensation Fund
Claims Processing Center
1100 L Street, N.W. – Suite 3000
Washington, DC 20005

1.8 Does it cost anything to file a claim?

No.

1.9 How will I know that my claim has been received?

Claimants who submit their claim electronically will receive email confirmation that their claim has been received. Claimants who submit hard copy claims will be notified by mail.

1.10 Can more than one person file a claim for the same individual?

No. The statute and regulations provide that only one Claimant is eligible to submit a claim. If the Special Master receives more than one claim form for the same individual, the Special Master will delay processing the claim until the appropriate Personal Representative is determined.

1.11 How do I find out who has submitted a claim?

The list of Claimants and deceased individuals for whom a claim has been filed will be posted on the website at www.vcf.gov for a period of 90 days after filing.

1.12 My business was impacted by the events of September 11th; can I get money from this fund?

No. The statute does not cover individuals who lost their businesses. The fund only applies to those who were physically injured or killed as result of the terrorist-related air crashes on September 11th or debris removal. Those without identifiable physical injuries are not eligible for the program.

1.13 Can I have someone else talk to the Special Master's office about my claim?

Yes. The registration process and the claim forms allow you to designate an authorized individual to talk to the Special Master's office. You will find this authorization in the "Attorney or Other Authorized Individual" section of the registration process.

1.14 I have heard that USIS | LABAT, Garretson Resolution Group, Lockheed Martin, and IBM are working for the Victim Compensation Fund. What do these companies do?

These organizations were selected by the U.S. Department of Justice and the Special Master of the Victim Compensation Fund to provide claims administration services. They have been engaged to support the Special Master in executing her responsibilities under the statute. These responsibilities include provision of claims intake services, document management, operation of a toll-free call center, operation of a claims-processing center for the initial review of claim materials, creation of an information system to facilitate claims processing, operation of the website, and provision of hearing support to the Special Master.



1.15 Why are Claimant and Decedent names published on the DOJ website?

As provided in Sec. 104.22(b)(5) of the final regulations, the Special Master may publish a list of individuals who have filed with the September 11th Victim Compensation Fund and the names of the individuals for whom compensation is sought, but shall not publish the content of any such form.

The Special Master has determined that this list should be on the Department of Justice's Victim Compensation Fund website, www.vcf.gov. The purpose of this list of Claimants and deceased individuals is to notify all potential beneficiaries that a claim is being filed on behalf of a September 11th Claimant. This notice helps to ensure that the appropriate person submits the claim and that all potentially affected individuals are notified of the waiver of litigation rights that occurs upon submission of a substantially complete claim.

1.16 How can I get assistance with my claim?

The Special Master will provide assistance through scheduled seminars and through a web-based program. Please check the website for the dates and locations of these programs. In addition, you can contact the "help line" with specific questions. Also, some outside organizations may provide assistance to Claimants. Please check the website for information and dates.

1.17 Is it possible to authorize multiple individuals to talk with the VCF about my claim?
(Added: January 25, 2012)

Yes. If you want to authorize several different individuals to discuss your claim with the VCF, you must identify each person by name in the "authorized persons" section of the Eligibility Form (Part I.C.). If you want to add individuals to the list of authorized individuals after your claim has been filed, then you must submit additional authorization forms listing each of those individuals. The VCF will not communicate or correspond with anyone regarding your claim without an authorization on file identifying the individual. If there are several lawyers or other staff at a single law firm working on your claim, you must identify each of those individuals on your authorization form in order for them to communicate with the VCF regarding your claim. It is not sufficient to simply list the name of the law firm. You may, however, list all such individuals on one form, rather than submitting multiple forms. However, please note that if additional lawyers and/or legal staff from the same law firm start helping with your claim after you submit your original authorization form, you must submit an additional authorization form naming each of those additional lawyers and/or legal staff members if you would like the VCF to communicate with them.

1.18 When registering on the VCF website and completing the online claim form, how is the information I enter protected? Why does the site not have a lock symbol at the bottom of the screen to indicate it is secure? *(Added: March 28, 2012)*

The 9/11 Victim Compensation Fund ("VCF") uses industry-standard encryption, including Secure Socket Layer (SSL), to secure your personal information when it is transmitted and received by the VCF over the Internet. The connection icon area on your browser will change to "HTTPS" instead of "HTTP" when this security feature is invoked. You may notice this when moving from the informational www.vcf.gov web site to the www.claims.vcf.gov web site where your information is collected. Your browser may also display a lock symbol on the task bar at the bottom of your screen to indicate this secure transmission is in place. You should refer to the instructions for your particular Internet browser software to determine how to examine the security certificate from our web site to verify the security of the connection.



The security of all personally identifiable information is of paramount importance to everyone within the VCF. Various security measures have been implemented to protect the security and confidentiality of personally identifiable information. Such measures include access controls designed to limit access to personally identifiable information to the extent necessary to accomplish the VCF's mission. The VCF also employs various security technologies to protect personally identifiable information stored on VCF systems. The security measures are tested periodically to ensure that they remain operational.

The Fund complies in full with the U.S. Department of Justice privacy policy. That policy is available via the link on the bottom of the www.vcf.gov home page or you may access it by visiting <http://www.justice.gov/privacy-file.htm>.

1.19 What is a “Claim Number” or “Claimant Identification Number” and Why Do I Have One? *(Added: May 25, 2012)*

The VCF assigns a unique “Claim Number” to every Registration on the VCF website. This number (which is also referred to as a “Claimant Identification Number” or a “Case Number”) starts with VCF and is followed by seven digits. This number will allow you to track your claim throughout the application process. Please keep this number handy because you will need it whenever you contact the VCF. If you are part of a law firm and are registering multiple individuals, each individual will be assigned a different Claim Number.

An individual receives a new and unique Claim Number whenever he or she starts a new Registration on the VCF website. This means that you will receive a VCF Claim Number before you submit a claim and even before you finish and submit your Registration. Therefore, being assigned a Claim Number does not make you a “Claimant” or mean that you have “submitted” your claim. This also means that being assigned a Claim Number does not waive your rights to file a September 11th-related lawsuit. See Section 7 of the FAQs for more information on when your rights to file a lawsuit are waived.

Each individual should start the Registration process only once. The VCF will not begin evaluating a claim if the individual has been assigned multiple Claim Numbers. In those cases, you will be able to proceed with only one Claim Number and you will need to withdraw the rest. If you have already started more than one Registration, please contact the VCF help line at 1-855-885-1555 to select which Claim Number you would like to pursue.



Section 2. Eligibility

2.1 Who is an eligible Claimant?

- Individuals present at a 9/11 crash site at the time of or in the immediate aftermath of the terrorist-related aircraft crashes and who suffered physical harm as a direct result of the crashes or debris removal.
- The Personal Representatives of individuals who were present at a 9/11 crash site at the time of or in the immediate aftermath of the terrorist-related aircraft crashes and who died as a direct result of the crashes or debris removal.

2.2 What are the 9/11 crash sites?

Under the Zadroga Act and the final regulations, the 9/11 crash sites include:

- The World Trade Center site, the Pentagon site and the Shanksville, Pennsylvania site
- The buildings or portions of buildings that were destroyed as a result of the terrorist-related airplane crashes of September 11, 2001
- The “NYC Exposure Zone” which consists of:
 - The area in Manhattan south of the line that runs along Canal Street from the Hudson River to the intersection of Canal Street and East Broadway, north on East Broadway to Clinton Street, and east on Clinton Street to the East River; AND
 - Any area related to, or along, routes of debris removal, such as barges and Fresh Kills

In rare circumstances, the Special Master may identify, based on additional evidence, additional areas that presented a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons) as 9/11 crash sites.

2.3 What is the “immediate aftermath”? When must individuals have been present at the sites to be eligible?

In order to be eligible, individuals had to be present at one of the sites at the time of the crashes or in the immediate aftermath of the crashes. The immediate aftermath of the crashes means any time during the period beginning with the crashes and ending on May 30, 2002.

To be eligible, the Zadroga Act requires an individual's presence at a 9/11 crash site prior to May 30, 2002. An individual's eligibility will not be affected by whether he or she continued to be present at a site after that date. Once an individual is deemed to have been eligible based on presence during the relevant time period, it will not be necessary for the Fund to determine the precise date that the condition was caused.

2.4 How do I prove that the individual was present at the site?

You will need to provide documents that establish the presence of the Claimant or decedent at the site at the time or in the immediate aftermath of the attacks. Documentation sufficient to establish the Claimant's presence at a 9/11 crash site may include the following:

- Employer records confirming employment with an organization or entity that was responsible for rescue and recovery, clean up, transportation of debris, and confirming that the Claimant or decedent was present at the site, including an official personnel roster, site credentials or a pay stub



- Proof of residence in the area during the relevant time period – such as rent or mortgage receipts, utility bills **and** proof that the Claimant or decedent was physically present at the site between September 11, 2001 and May 30, 2002
- Contemporaneous documentation of presence – such as orders, instructions, confirmation of tasks performed, contemporaneous medical records or contemporaneous records of federal, state, city or local government
- School or day care records confirming enrollment or attendance during the period
- Sworn and notarized affidavits (or unsworn statements complying with 28 U.S.C. 1746) regarding the presence of the Claimant or decedent from persons who can attest to the Claimant's or decedent's presence at a 9/11 crash site.

2.5 If I submit documents such as employer records or proof of residence, do I still need to submit affidavits regarding my presence at the site? (Updated: April 19, 2012)

Yes. While employment records demonstrate that you worked for a certain organization and proof of residence demonstrates that you lived in a certain place, neither may necessarily show that you were actually present at the site during the relevant time. For example, you could have been assigned to a different location or been on vacation during this time. As a result, you will need to submit affidavits or some other proof that you were actually present at the site during the relevant period. See FAQ #2.18 for more information about submitting affidavits.

2.6 How many documents related to my presence at the site do I need to submit? (Updated: April 19, 2012)

In general, the VCF requires two forms of proof that together or separately are sufficient to establish presence with the following exceptions:

- a) The VCF will accept a contemporaneous document from an employer confirming that the Claimant was at the site during the relevant time period.
- b) When an individual's presence is based on residence in the NYC Exposure Zone, you should submit multiple documents to demonstrate residence in the area during the relevant time period (such as rent/mortgage receipts, leases, homeowners or renters insurance policies, tax returns, utility bills) **and** at least two documents demonstrating that the individual was present at that residence during the relevant time period (such as affidavits).

2.7 If the original VCF (VCF1) accepted the proof of presence at the site that I submitted in support of my original claim, do I need to re-submit proof to the VCF to support my current claim? (Updated: November 22, 2011)

No. If the proof of presence at the site that you submitted in support of your original claim to the VCF1 was accepted by the VCF1, you do not need to re-submit proof of presence at the site or submit additional proof of your presence at the site. The VCF will accept the proof you submitted with your original claim as sufficient proof for your current claim. However, you may need to submit additional documents if you are claiming presence in additional locations or at additional times than in your prior claim. Also note that you must still submit other information to support your current claim.

2.8 What type of injury must a Claimant or decedent have suffered to be eligible for compensation? (Updated: October 2, 2012)

The Zadroga Act requires an individual to have suffered "physical harm or death as a result of" one of the terrorist-related aircraft crashes of September 11, 2001 or debris removal. The VCF will compensate personal injury or death resulting from traumatic physical injuries that occurred as a result of the crashes or debris removal and in addition will compensate personal injury or death



resulting from health conditions or diseases that the WTC Health Program has found to be WTC-related health conditions. As of October 3, 2011, the following are presumptively covered health conditions or diseases under the VCF:

- Interstitial lung diseases
- Chronic Respiratory Disorder – Fumes/Vapors
- Asthma
- Reactive Airways Dysfunction Syndrome (RADS)
- WTC-exacerbated Chronic Obstructive Pulmonary Disease (COPD)
- Chronic Cough Syndrome
- Upper airway hyper reactivity
- Chronic rhino sinusitis
- Chronic nasopharyngitis
- Chronic laryngitis
- Gastro-Esophageal Reflux Disorder (GERD)
- Sleep apnea exacerbated by or related to the above conditions.
- Low back pain
- Carpal tunnel syndrome (CTS)
- Certain other musculoskeletal disorders defined as “a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during” the period between September 11, 2001 and May 30, 2002 or as determined by the Special Master
- Traumatic injuries
- Certain types of cancer, as specified in FAQ 3.4

Please see Section 3 for more information about eligible conditions and injuries.

2.9 For purposes of the VCF, who is a Responder? *(Updated: December 5, 2011)*

A “Responder” is defined as an individual who performed rescue, recovery, demolition, debris cleanup or other related services at a 9/11 crash site in response to the September 11, 2001 terrorist attacks, regardless of whether the individual was a state or federal employee or member of the National Guard or performed the services in some other capacity. Therefore, you may be considered a Responder even if you performed the listed services through a private employer or on a volunteer basis. Individuals who began performing cleanup or maintenance work in the NYC Exposure Zone months after the September 11, 2001 terrorist attacks are not considered Responders.

2.10 If I was not a Responder, am I eligible for the VCF?

Yes. You do not have to be a Responder to be eligible. Under the Zadroga Act, to receive a payment from the VCF, an individual must have been present at a 9/11 crash site between the time of the crashes and May 30, 2002, and have suffered physical harm or death as a result of the September 11th air crashes or debris removal.

2.11 What kind of medical documentation will be required for the VCF? *(Updated: July 24, 2012)*

The type of medical documentation required will vary depending on the Claimant’s particular injury or medical condition and on whether or not the Claimant is being treated for the presumptively covered injury by the WTC Health Program. If you have a presumptively covered condition (such as asthma or GERD) and are not submitting a claim for a traumatic injury (such as a broken ankle), you do not need to submit any medical records with your Eligibility Form to demonstrate that your presumptively covered



condition was a result of the 9/11 crashes or debris removal. If the VCF needs medical records after reviewing your Eligibility Form, the VCF will notify you.

If you have a traumatic injury that you claim was a result of the 9/11 attacks, then the VCF will need medical records to document the specific injury and when that injury was first diagnosed and treated.

(See FAQ's 3.7, 3.10 and 3.11 for further information on medical records that might be relevant to the Eligibility Form.)

For purposes of determining compensation, the VCF may also require medical information about the treatment of any eligible condition and the effects of any eligible condition on the Claimant's ability to work and provide household services, and the anticipated future effects of any eligible condition. (See FAQ 6.32 for further information on the medical records that might be relevant to the Compensation Form.)

Please see Section 3 below for more information on the physical injuries and conditions that are eligible for compensation.

If the individual has died as a result of a covered physical harm, the Personal Representative must also submit proof of the cause of death.

2.12 If I applied to the original VCF, can I apply again now?

Individuals who submitted claims in the original VCF and who did not receive compensation based on a determination that the individual would remain totally disabled for the remainder of his or her work life, may submit new claims in certain circumstances:

- The individual suffered a new injury that is eligible under the new VCF;
- The individual's prior eligible condition has substantially worsened, resulting in damages or loss that was not previously compensated;
- The individual was not previously eligible for the VCF, but is now eligible as a result of changes contained in the Zadroga Act;
- The individual's previous claim was based on a condition that was not previously covered by the VCF, but that is now covered.

2.13 If I participated in a lawsuit related to September 11th, can I participate in the VCF? (Updated: January 24, 2013)

Yes, but only if you withdrew from or dismissed that lawsuit on or before January 2, 2012.

Under 28 C.F.R. § 104.61, any person who has filed or is party to a lawsuit seeking damages for injuries "sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, or for damages arising from or related to debris removal" may not "file a claim with the Special Master unless they withdraw from such action not later than January 2, 2012."

2.13 (i). If I am currently participating in a lawsuit related to September 11th – seeking damages resulting from the crashes – can I participate in the VCF?

No. Individuals who filed a lawsuit seeking damages for injuries sustained as a result of the terrorist related aircraft crashes of September 11, 2001, or who were party to such a lawsuit that was pending as of January 2, 2012, may not file a claim with the Special Master unless they withdrew from that lawsuit on or before January 2, 2012.

2.13 (ii). What if my lawsuit was filed after January 2, 2012?

You cannot file a claim with the VCF unless you submit proof that you withdrew your lawsuit before submitting an Eligibility Form to the VCF.



2.13 (iii). What if I did not withdraw my lawsuit before January 2, 2012, because it seeks damages for a condition that was not yet covered by the VCF?

The VCF will accept claims for newly-covered conditions if you provide proof that your lawsuit has been withdrawn before you submit an Eligibility Form. "Newly covered conditions" means a condition that was added to the list of qualified physical injuries by NIOSH after January 2, 2012 and included in the list of qualified injuries adopted by the VCF. Currently, the newly covered conditions consist of the various cancers identified in the WTCHP rule that became final on October 12, 2012.

2.13 (iv). What do I have to submit to show that I withdrew from or dismissed my lawsuit?

You must submit proof of timely withdrawal with your claim. For purposes of the Eligibility Form, you may submit either a court order establishing that the action has been discontinued and/or dismissed dated on or before January 2, 2012 or a notice/letter of withdrawal filed on the Electronic Case Files (ECF) system in the relevant docket on or before January 2, 2012. For purposes of receiving compensation, you must submit the final order of the court confirming the withdrawal or dismissal of all claims. That order may be dated after January 2, 2012 only if you have provided proof that you filed a notice of withdrawal on the ECF system in the relevant docket on or before January 2, 2012.

If the condition for which you are seeking compensation from the VCF was added to the list of qualified injuries after January 2, 2012, your proof of timely withdrawal or dismissal from any lawsuit must be dated no later than the date you submit your Eligibility Form. The court order establishing that the action has been discontinued and/or dismissed, or the notice/letter of withdrawal filed on the ECF system in the relevant docket, must be dated on or before the date you submit your Eligibility Form.

2.13(v). What if I settled my lawsuit – can I submit a claim to the VCF?

You can submit a claim with the VCF if you meet the following conditions: If the lawsuit was commenced after December 22, 2003 and a release of claims in such lawsuit was tendered by the individual, or by the individual's attorney (provided the attorney has authority to tender the release) prior to January 2, 2011 and if you dismissed any claims that were not settled on or before January 2, 2012. Some individuals may have settled all their claims and in that case, so long as the release was tendered by January 2, 2011 and the lawsuit was commenced after December 22, 2003, then the individual can submit a claim to the VCF. Some individuals may have settled only some of the claims in the lawsuit. In that case, the individual must have withdrawn/dismissed the unsettled claims on or before January 2, 2012 in order to be eligible for the VCF. You must submit proof documenting the date of commencement and release of all claims with your claim. If an attorney signed and submitted the release on behalf of the individual or the individual's dependent, spouse or beneficiary, a copy of the retainer agreement with the attorney in the settled lawsuit must be submitted as proof that the attorney was authorized to sign the release.

If you have participated in such a lawsuit, you must certify on your claim form that the above conditions are satisfied.

2.14 Do I have to live in New York to participate in the VCF?

No. You do not have to live in New York to participate in the VCF.

2.15 If I do not live in New York, how can I participate in the VCF?

Claimants will be able to submit information to the VCF over the internet or through the mail. If a Claimant would like a hearing to appeal his or her award, the VCF will make every effort to accommodate long-distance hearings through video-conference or where necessary, telephone conferences.



2.16 Are foreign nationals or residents eligible for the VCF?

Yes. The Zadroga Act permits both U.S. citizens and foreign nationals who satisfy the VCF's eligibility criteria to participate in the VCF.

2.17 NO LONGER RELEVANT *(Updated: April 19, 2012)*

2.18 If I need to submit a sworn statement/affidavit to show that I was present at a 9/11 crash site, what should that statement/affidavit contain? *(Updated: November 9, 2012)*

Primary and contemporaneous documents are the best evidence that an individual was present at a 9/11 crash site. However, the Special Master recognizes that such documents may no longer exist or may be impossible to obtain. If you are unable to submit these types of documents, the Special Master will consider **sworn affidavits** from people who can attest to the individual's presence at a 9/11 crash site. These affidavits will serve as acceptable proof only if official or primary forms of proof are not available and the VCF determines that such affidavits are sufficiently reliable.

The person who signs an affidavit is known as an "affiant." Affiants must have personal knowledge of the individual's presence at a 9/11 crash site. As a general matter, affidavits should contain as much detail as possible about how the affiant knows that the individual was *physically present* at a 9/11 crash site and *when* the individual was present at the site. For example, affidavits should describe what the affiant and the individual were doing at the 9/11 crash site, why they were at the 9/11 crash site, how long and often they were together there, and how the affiant knows and remembers that the individual was present on the particular dates and at the particular locations. In general, the VCF expects that you may need several sentences to explain these details, though the length is not as important as the content.

If you submit affidavits to demonstrate the Claimant's or Decedent's presence on 9/11, you must submit affidavits from a minimum of two people and at least one **must** be from an individual who is not related to the Claimant, Decedent, or the Decedent's Personal Representative. Affidavits **must** either be notarized or include the following language to comply with 28 U.S.C. 1746:

- If signed within the United States, its territories, possessions, or commonwealths, add this language: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on [date affidavit is signed]. [Affiant's Signature]"
- If signed outside the United States, add this language: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date affidavit is signed]. [Affiant's Signature]"

You **must** submit original affidavits (no copies) with **original** signatures and **original** notary stamps/seals.

All affidavits must contain:

- A description of how the affiant knows that the individual was present. For example, an affiant may know that the individual was at the site because the affiant was the supervisor or co-worker of the individual and accompanied the individual to the site or personally saw the individual at the site.
- As much detail as possible about the precise times and locations that they know the Claimant or Decedent was at a 9/11 crash site. This may include specific dates, times, addresses, or buildings.
- The reason why the individual was present (if known by the affiant).



- A description of how the affiant knows the Claimant or Decedent and whether they are related to the Claimant, Decedent or Personal Representative of the Decedent. If the affiant and Claimant/Decedent worked together, the affidavit should include the name of the organization they were working for and describe how long they worked together, their respective job titles and relationship during the time they worked together (including whether one person supervised the other), and whether the affiant is still employed by that entity.
- The affiant's contact information, including address, phone number, email address or other contact information. In some cases, the VCF may request proof of the affiant's address and/or relationship to the Claimant or Decedent or may contact the affiant.

When an individual's presence is based on residence in the NYC Exposure Zone, affiants should provide the information listed above *and* also provide:

- The Claimant's or Decedent's exact address during the time they were living in the exposure zone.
- The time period that the individual lived at that address (if known by the affiant).
- A statement describing whether the affiant knows if the individual actually resided at that address for some period between September 11, 2001 and May 30, 2002 and whether the affiant is aware of any time during that period that the individual was out of town or not living at that address.

Affidavits that do not comply with these requirements are not sufficient to establish a Claimant's or Decedent's presence. If the Special Master determines that an affidavit lacks the required level of detail, the claim may be denied on that basis.

2.19 I worked in one of the temporary morgues on pier locations on the west side of Manhattan. Will that satisfy the geographical presence requirement, even though the morgue was located outside of the NYC Exposure Zone? (Added: April 19, 2012)

Yes. If you were an employee of the Office of the Chief Medical Examiner of New York City (OCME) involved in the examination and handling of human remains from the World Trade Center attacks, or were a morgue worker who performed similar functions for the OCME staff during the period beginning on September 11, 2001 through May 30, 2002, and you submit sufficient proof of employment and presence at that location within the statutory timeframe, you will be deemed to satisfy the presence requirement, even if those functions were performed outside of the NYC Exposure Zone.

2.20 I repaired, cleaned, or rehabilitated vehicles or equipment that was contaminated by WTC-related debris. Will that satisfy the geographical presence requirement, even if I performed such services outside of the area in lower Manhattan as defined in the Zadroga Act and final regulations? (Added: May 16, 2012)

Yes. In order to be eligible for compensation under the Fund, an individual must have been present at a 9/11 crash site at the time of or in the immediate aftermath of the terrorist-related aircraft crashes. Under the Zadroga Act and final regulations, the 9/11 crash sites include, among other things, the NYC Exposure Zone, which is defined to include

- The area in Manhattan south of the line that runs along Canal Street from the Hudson River to the intersection of Canal Street and East Broadway, north on East Broadway to Clinton Street, and east on Clinton Street to the East River; AND
- Any area related to, or along, routes of debris removal, such as barges and Fresh Kills.

For purposes of establishing presence at the site, work involving the repair, cleaning or rehabilitation of vehicles or equipment, including emergency vehicle radio equipment owned by the City of New



York, that was contaminated by WTC-related debris at or along one of the official routes for the transfer of debris will be considered to involve work at an area related to, or along, routes of debris removal, even if those services were performed outside of the area in Manhattan south of the line that runs along Canal Street. Because different routes of debris removal were in use at different time periods, you must submit proof not only that you performed those services during the statutory timeframe (at some point on or between September 11, 2001 and May 30, 2002), but also that you performed those services before the operations at the identified locations terminated.

2.21 What types of documents will the VCF accept to demonstrate proof of presence at a 9/11 crash site for employees of the FDNY, NYPD or other New York City agencies or contractors hired by the City of New York to perform rescue, recovery, demolition, debris cleanup or other related services? (Updated: January 15, 2012)

As a general rule, the VCF requires two documents to establish presence at the site, along a verification process. All documents submitted for a claim are subject to verification and authentication procedures undertaken independently by the VCF. The types of acceptable documents may vary from agency to agency and the VCF is working with the individual New York City agencies and pension funds to identify those documents that may best provide proof of a Claimant's presence at the site. In addition, the VCF is attempting to obtain direct access to such documents/information so that the Claimant does not need to submit the documents.

For FDNY Claimants: Currently, the VCF has an arrangement with the FDNY in which the FDNY will provide documents directly to the VCF regarding proof of a FDNY Claimant's presence at the site. As a result, FDNY Claimants do not need to submit any documents as proof of presence at the site unless the VCF specifically requests such documents. (See FAQ 2.26 for more information.)

For NYPD Claimants: The NYPD will not be able to provide direct access to required documents. Accordingly, the Claimant will have to submit NYPD documents to establish presence at the site. Please refer to FAQ 2.29 for detailed information regarding acceptable types of proof of presence for NYPD Claimants.

For NYCERS members: The VCF is working with the New York City Employees' Retirement System (NYCERS) to identify and obtain directly documentation and information that may support presence at the site for NYCERS members. This may include, but is not limited to, a member's WTC notice of participation form and related information, if appropriate. If you believe that this information will be helpful to your claim, please be sure to indicate on your claim form that you are a member of NYCERS in order to facilitate this process. The VCF will post updates as more information becomes available.

2.22 Am I eligible for the VCF if I started working in the NYC Exposure Zone after May 30, 2002? (Added: May 25, 2012)

No. To be eligible, individuals must have been present at one of the sites at the time or in the "immediate aftermath" of the September 11th air crashes. The Zadroga Act defines "immediate aftermath" as "any period beginning with the terrorist-related aircraft crashes of September 11, 2001 and ending on May 30, 2002." Therefore, if the first time that you began working in the area was after May 30, 2002, you are not eligible for compensation for any physical injuries sustained during that work, even if that work was related to clean up activities. The VCF must apply the time limitations that Congress established in the Zadroga Act.



2.23 I already submitted information about my presence at the 9/11 crash site for a lawsuit. Do I still have to provide proof of presence at a 9/11 crash site if I was approved for a settlement in my lawsuit? (Added: July 17, 2012)

Yes. The VCF has specific requirements that are set forth by statute. The requirements to qualify for a settlement may be different from the VCF requirements. For this reason, the VCF asks that everyone submit their proof of presence information so that the VCF can determine whether you meet the specific presence requirements. For more information on satisfying this requirement, see FAQ 2.4.

2.24 How can I complete the questions in the Eligibility Form that ask the dates that each injury/condition was discovered, first treated, and/or first diagnosed if I do not know the exact date(s) and/or do not have medical records to verify the exact date(s)? (Added: July 24, 2012)

If you do not know the exact date(s) that each injury/condition was discovered, first treated, and/or first diagnosed, and do not have medical records documenting such date(s), it is sufficient to identify the best approximate date(s) you can to the best of your personal knowledge and recollection when answering these questions on the claim form.

2.25 Will the VCF accept as proof of presence at the site the Communications Workers of America's ("CWA") "WTC Recovery/Cleanup Effort Exposure Information" forms which were distributed and collected by CWA local unions and provided to the CWA District 1 office in the immediate aftermath of the September 11, 2001 terrorist attacks and which document a Claimant's WTC-related exposure? (Added: August 13, 2012)

Yes. Based on discussions with the CWA District 1 office regarding the process for distributing, collecting and maintaining the World Trade Center Recovery/Cleanup Effort Exposure Information forms, the VCF has concluded that it will accept these forms as proof of presence at the site **if** the form:

- (a) clearly identifies a VCF-qualifying date and location of service;
- (b) was created contemporaneously with your alleged exposures (i.e., you completed the form between September 11, 2001 and May 30, 2002); and
- (c) includes a signed and notarized statement by Micki Siegel de Hernandez, the Occupational Safety and Health Director of CWA District 1, verifying the authenticity and safekeeping of the form.

The CWA District 1 office has advised the VCF that it collected the World Trade Center Recovery/Cleanup Effort Exposure Information forms which had been distributed by CWA local unions (1101, 1102, 1103, 1104, 1105, 1106, 1108, 1109, 1123 and 1126) to members who were part of the response activities in the immediate aftermath of September 11, 2001 and has consistently maintained these forms in its files since that time. If you are a CWA member and completed this form, please contact Micki Siegel de Hernandez at 212-509-6994 to see if your form is on file and to obtain the form and the accompanying signed and notarized statement. All documents are subject to verification and authentication procedures undertaken independently by the VCF.



2.26 I was employed by the FDNY. What kind of documents do I need to submit to show that I was present at a 9/11 crash site during the relevant time period? *(Added: August 14, 2012)*

You do **not** need to submit any documents unless the VCF specifically requests documents from you. The VCF has entered into an agreement under which the FDNY will provide documents regarding proof of a Claimant's presence at the site. Because VCF can now obtain these documents directly from the FDNY, you do not have to compile all the material and you do not have to ask the FDNY to provide the documents to you. We hope that this will reduce your burden, avoid duplication of efforts and allow the VCF to have a more efficient process. If you have already compiled documentation, you may submit it to the VCF; however, such documentation is not necessary to process your claim. If you do not have documentation in your possession, you should not contact the FDNY or other related entities to obtain this information. Contacting the FDNY directly will not expedite the processing of your claim and, in fact, may delay claims processing by tying up limited resources at the FDNY. If the VCF needs additional information from you after reviewing the eligibility form and documentation, the VCF will notify you.

2.27 If the person who can submit an affidavit to establish presence at the site does not speak English, may I submit an affidavit in another language? *(Added: December 28, 2012)*

Yes. To help to establish that a Claimant was present at a 9/11 crash site in the relevant time period, you may submit affidavits from individuals with personal knowledge of the Claimant's presence, even if those affiants do not speak English. In these cases, you should submit the affidavit in the affiant's native language, along with a certified English translation. You must also include a certification signed by the translator that includes a statement that the translator is competent to translate the document, and that the translation is true and accurate to the best of the translator's abilities. The certification must also include the translator's address and phone number. See FAQ #2.18 for further instructions that apply to all affidavits.

2.28 What other options are available to assist claimants in obtaining documentation regarding "presence at the site"? *(Updated: January 7, 2013)*

The VCF is working with the WTC Health Registry to obtain information that might assist claimants. The WTC Health Registry was established in 2002 to track and monitor the health of people directly exposed to the September 11th terrorist-related attacks. Enrollment in the WTC Health Registry was voluntary and includes people who lived, worked or went to school in the area of the WTC disaster, or were involved in rescue and recovery efforts. To enroll, people completed surveys in 2003 or 2004 that included questions about the timing and location of their WTC-related exposure and their health, among other things, along with follow-up surveys in subsequent years.

For those VCF claimants who are enrolled in the WTC Health Registry, the VCF has an arrangement with the WTC Health Registry to obtain direct access to the claimant's survey responses related to the timing and location of the claimant's exposure, if appropriate and with the consent of the WTC Health Registry enrollee. This information may constitute one form of proof that the claimant was present at the site for purposes of establishing eligibility under the VCF. Because WTC Health Registry survey responses are protected by federal confidentiality laws, claimants must first give their permission to release these responses to the VCF. Therefore, where appropriate, the WTC Health Registry will provide the claimant with an authorization form that authorizes the WTC Health Registry to release this information to the VCF. If you do not know if you are enrolled in the WTC Health Registry or have questions about the authorization form, you can contact the WTC Health Registry by calling 866-692-9827.



Please note that enrollment in the WTC Health Registry does not in and of itself demonstrate that a claimant was present at the site for VCF purposes. However, the survey responses may help to establish presence at the site.

2.29 What types of documents will the VCF accept to demonstrate proof of presence at a 9/11 crash site for NYPD claimants? (Added: January 15, 2013)

The following are the types of documents that the VCF will consider as acceptable proof of presence at the site for NYPD claimants. As a general rule, the VCF requires NYPD claimants to submit at least two (2) documents to establish presence at the site. Those NYPD claimants who were active members of the NYPD at some point during the period September 11, 2001 through May 30, 2002 (“NYPD Claimants”) generally will be able to establish presence by providing the VCF with the relevant excerpts of his/her Memo Book/Activity Log as well as at least one (1) other document listed below in order to demonstrate presence. We understand that some NYPD claimants will not have Memo Books/Activity Logs (for example, members of the service above the rank of Lieutenant, members assigned to administrative positions and members required to prepare an Investigator’s Daily Activity Report. Such claimants should submit at least two (2) of the other documents listed below.

The documents submitted must clearly pertain to the named claimant and identify the date(s) and location(s) of the claimant’s WTC-related service. A complete copy of each document must be submitted, unless otherwise specified below. The VCF will review these submissions on a case-by-case basis and will notify claimants of any additional information required. All documents submitted for a claim are subject to verification and authentication procedures undertaken independently by the VCF. Please note that the NYPD will not be able to provide the VCF direct access to the below listed documents.

The VCF will continue to update this list with additional guidance when appropriate.

- Memo Book/Activity Log (must include cover page and excerpts of relevant portions with consecutive pages)
- Line of Duty Injury Report (must include an injury date within the relevant time period)
- Line of Duty Control Log
- Firearms Discharge/Assault Report
- Aided Report Worksheet
- Overtime Report
- Unscheduled Overtime Report
- Roll Calls
- Detailed Roster Assignment Sheet
- NYPD Consultation Referral – Medical Division/NYPD Surgeon Form
- Statement of Illness/Injury
- Daily Activity Reports
- Command Log entry
- Exposure Report (49)
- Medical Board Report
- Affidavit (see FAQ 2.18 for more detail regarding affidavits)



2.30 What types of documents and/or information should claimants who worked for the Port Authority of New York & New Jersey submit to demonstrate proof of presence at a 9/11 crash site, compensation and/or workers' compensation benefits related to the claimant's eligible WTC-related injury or condition? (Added: January 15, 2013)

The VCF has developed a process with Risk Management Planning Group (RMPG), the third party claims administrator of the Port Authority of New York & New Jersey's ("Port Authority") self-insured workers' compensation program, to obtain and verify certain documents and information for claimants who assert that they worked for the Port Authority at some point during the period beginning September 11, 2001 through May 30, 2002 ("Port Authority Claimant") **and** who have filed a claim for workers' compensation based on an eligible WTC-related injury or condition. For these Port Authority Claimants (including both uniformed and non-uniformed personnel), RMPG has agreed to provide the VCF with direct access to information and documents that may be useful in demonstrating (a) that a Port Authority Claimant was present at the site during the relevant time period; (b) the Port Authority Claimant's compensation prior to sustaining the eligible WTC-related injury or condition; and (c) any workers' compensation benefits that a Port Authority Claimant has received or is entitled to receive as a result of his/her eligible WTC-related injury condition. As a result, Port Authority Claimants who have filed a claim for workers' compensation through RMPG based on an eligible WTC-related injury or condition do not need to submit any documents establishing presence at the site or demonstrating compensation earned from the Port Authority unless the VCF specifically requests such documents. However, RMPG does not maintain information regarding employer-provided benefits and therefore Port Authority Claimants will need to contact their human resources department to obtain that information. Moreover, if a Port Authority Claimant is also claiming a secondary source of income – i.e., additional income from a source other than the Port Authority – he/she must still submit proof of such additional income.

Please note: This process does **not** include the following claimants: (a) Those claimants who have not filed a workers' compensation claim through RMPG as a result of WTC-related injuries or conditions sustained during the course of employment with the Port Authority within the relevant period (September 11, 2001 through May 30, 2002). Such claimants will need to contact their human resources department to obtain that information; and (b) Those claimants asserting presence at the site as a PATH employee during the relevant period.



Section 3. Physical Injuries or Conditions Eligible for Compensation for Personal Injury or Death

3.1 If I did not experience any physical injury or death as a result of September 11th, but I experienced emotional or mental harms as a result of the events, am I eligible for the VCF?

No. When Congress first created the VCF in 2001, it directed that only Claimants who have a “physical injury” can be eligible for the VCF, and then-Special Master Ken Feinberg interpreted that phrase to mean “a physical injury to the body,” thus excluding claims for psychological conditions. In the Zadroga Act, Congress did not change how the VCF treats psychological conditions. As a result, the VCF is not able to accept claims solely for psychological conditions. This means that claims for Post Traumatic Stress Disorder are not eligible for compensation in the VCF.

The WTC Health Program does provide options for treatment of psychological conditions. For information about whether you may be eligible for treatment for emotional or mental harms by the WTC Health Program, you may contact them by phone at 1-888-WTC-HP4U (1-888-982-4748), or on the web at www.cdc.gov/wtc/.

3.2 If I have a physical condition that was a result of September 11th but is not a common condition, am I eligible for the VCF? (Updated: December 5, 2011)

Yes. Individuals who suffered injuries as a result of September 11th and who meet the other eligibility requirements may submit a claim, even if their condition is not common across the population.

The Special Master has identified an initial list of presumptively covered physical injuries and conditions. (See FAQ 1.2). Generally, these are the only physical injuries or conditions that the VCF will compensate. However, in rare, extraordinary circumstances, individuals with other physical conditions may also be eligible for an award.

3.3 I do not see my injury on the list of presumptively covered conditions. Will the list of covered conditions change? (Updated: October 2, 2012)

The VCF will consider modifications to the list of presumptively covered conditions based on the determinations of the WTC Health Program. The VCF will examine the science to determine whether additional conditions can be covered.

3.4 Is cancer covered by the VCF? (Updated: October 17, 2012)

Yes. The Zadroga Act did not include cancer in its initial list of conditions that were eligible for monitoring or treatment under the WTC Health Program. However, on June 8, 2012, NIOSH proposed a new rule to add certain types of cancer to the List of WTC-Related Health Conditions. The final rule, which took effect on October 12, 2012, adds the following types of cancer to the List of WTC-Related Health Conditions:



<p><u>Head & Neck</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of lip • Malignant neoplasm of base of tongue • Malignant neoplasm of other and unspecified parts of tongue • Malignant neoplasm of parotid gland • Malignant neoplasm of other and unspecified major salivary glands • Malignant neoplasm of floor of mouth • Malignant neoplasm of gum • Malignant neoplasm of palate • Malignant neoplasm of other and unspecified parts of mouth • Malignant neoplasm of tonsil • Malignant neoplasm of oropharynx • Malignant neoplasm of nasopharynx • Malignant neoplasm of piriform sinus • Malignant neoplasm of the hypopharynx • Malignant neoplasm of other and ill-defined conditions in the lip, oral cavity and pharynx • Malignant neoplasms of nasal cavity • Malignant neoplasm of accessory sinuses • Malignant neoplasm of the larynx 	<p><u>Digestive System</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of the esophagus • Malignant neoplasm of the stomach • Malignant neoplasm of the colon • Malignant neoplasm of rectosigmoid junction • Malignant neoplasm of the rectum • Malignant neoplasm of other and ill-defined digestive organs • Malignant neoplasm of the liver and intrahepatic bile ducts • Malignant neoplasms of retroperitoneum and peritoneum <p><u>Respiratory System</u></p> <ul style="list-style-type: none"> • Malignant neoplasms of the trachea • Malignant neoplasm of bronchus and lung • Malignant neoplasm of heart, mediastinum and pleura • Malignant neoplasm of other and ill-defined sites in the respiratory system and intrathoracic organs <p><u>Mesothelioma</u></p> <p><u>Soft Tissue</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of peripheral nerves and autonomic nervous system • Malignant neoplasm of other connective and soft tissue <p><u>Skin (Non Melanoma)</u></p> <ul style="list-style-type: none"> • Other malignant neoplasms of skin • Scrotum <p><u>Melanoma</u></p> <ul style="list-style-type: none"> • Malignant melanoma of skin <p><u>Breast</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of breast 	<p><u>Female Reproductive Organs</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of ovary <p><u>Urinary System</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of bladder • Malignant neoplasm of the kidney except renal pelvis • Malignant neoplasm of renal pelvis • Malignant neoplasm of ureter • Malignant neoplasm of other and unspecified urinary organs <p><u>Eye & Orbit</u></p> <ul style="list-style-type: none"> • Malignant neoplasms of eye and adnexa <p><u>Thyroid</u></p> <ul style="list-style-type: none"> • Malignant neoplasm of thyroid gland <p><u>Blood & Lymphoid Tissue</u></p> <ul style="list-style-type: none"> • Hodgkin's disease • Follicular (nodular) non-Hodgkin lymphoma • Diffuse non-Hodgkin lymphoma • Peripheral and cutaneous T-cell lymphomas • Other and unspecified types of non-Hodgkin lymphoma • Malignant immunoproliferative diseases • Multiple myeloma and malignant plasma cell neoplasms • Lymphoid leukemia • Myeloid leukemia • Monocytic leukemia • Other leukemias of specified cell type • Leukemia of unspecified cell type • Other and unspecified malignant neoplasms of lymphoid, hematopoietic and related tissue <p><u>Childhood cancers</u></p> <p><u>Rare cancers</u></p>
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A rare cancer is any type of cancer that develops in fewer than 200,000 individuals per year in the entire United States population. A “childhood cancer” means any type of cancer first diagnosed after 9/11/01 in a person less than 20 years of age at the time of diagnosis.

According to NIOSH:

[L]isting a cancer as a WTC-related health condition does not necessarily mean that a cancer in an individual WTC responder or survivor will be determined to be WTC-related. Each WTC responder and survivor enrolled in the Program will go through a physician's determination and Program certification process to assess whether their individual cancer meets the statutory definition of a WTC-related health condition. When determining whether an individual's cancer has been contributed to, aggravated by, or caused by their exposures at the 9/11 sites, individual medical history and exposure assessment are used as part of the determination and certification process. Guidelines for physician determinations regarding WTC-related health conditions are jointly developed by the CCEs and the WTC Health Program for all conditions currently on the List. The CCEs and WTC Health Program will develop additional assessment information for use by physicians in making determinations regarding whether an individual's 9/11 exposure may have contributed to, aggravated, or caused their cancer.

The VCF will accept cancers that are certified for treatment by the WTCHP under the procedures that NIOSH ultimately adopts. Individuals who have been diagnosed with one of the specified cancers are eligible for compensation from the VCF provided the cancer is certified for treatment by the WTCHP and provided the claimant meets the VCF's other eligibility criteria. You do not have to participate in the WTCHP in order to submit your claim to the VCF. If you are being treated by another program or by another physician for a covered cancer, the VCF will obtain information from that physician and will then seek guidance from NIOSH as to whether your condition meets the standards NIOSH has adopted for certification. For further information on the VCF's eligibility criteria, see Section 2 of the FAQs.

3.5 If I have a physical condition that is on the list of presumptively covered conditions, does this mean I am definitely going to be compensated by the VCF?

No. In order to be eligible for compensation, individuals must establish that they were present at a 9/11 crash site (as defined in the regulations) between September 11, 2001 and May 30, 2002, that their physical harm is a direct result of the terrorist-related crashes or the debris removal, and that their physical injury was treated by a medical professional within a reasonable time from the date the injury was discovered. Thus, a Claimant who has one of the covered conditions will be eligible if these other conditions for compensation are met.

3.6 How will the VCF determine if an injury or condition was a result of September 11th?
(Updated: December 5, 2011)

The VCF will apply guidelines consistent with those adopted by the WTC Health Program. The WTC Health Program relies on the best available science to determine whether a particular condition is related to September 11th and provides a protocol for doctors to determine whether a particular individual's condition is a WTC-related health condition.

To be compensable, the injury must be a direct result of the crashes or debris removal. The VCF will have to examine the facts of each claim to determine whether the claimed injury qualifies for compensation. Injuries that are not directly caused by the attacks or debris removal will not be eligible for compensation. For example, if an individual assigned to help with cleanup activities in nearby buildings was injured in an automobile accident on the way home from work, the injuries sustained in



that accident might not be compensable. However, if that same individual also suffered from one of the presumptively covered conditions, then that condition might be compensable if all other eligibility requirements are met.

3.7 How do I prove that my presumptively covered condition is a result of the crashes or debris removal? (Updated: July 24, 2012)

If you have a VCF presumptively covered condition that has been certified for treatment under the WTC Health Program after July 1, 2011, then you have met this proof requirement for the certified condition. You will still need to satisfy all other eligibility requirements in order to be compensated by the VCF. (Not all conditions that can be certified by the WTC Health Program are compensable under the VCF. For more information see FAQ 3.19.)

If you are being treated by another program or by another physician for a condition for which you are seeking compensation from the VCF, your treating physician must complete certain medical history forms. After receiving your completed Eligibility Form and signed authorization forms, the VCF will send these forms directly to your treating physician. The VCF will then make a determination based on these forms. The VCF will notify you if you need to submit any other records. If you are asked to provide records, then you also must provide **certified** contemporaneous medical records created by or at the direction of the medical professional who provided you the medical care. This would include medical records of hospitals, clinics, physicians, licensed medical staff, or registries maintained by Federal, State, or local governments.

3.8 How can I find out if I am eligible for treatment by the WTC Health Program that commenced on July 1, 2011?

Consult the WTC Health Program website at www.cdc.gov/wtc/ for information about the monitoring and treatment programs.

3.9 What if I am not being treated by the WTC Health Program that commenced on July 1, 2011? Can I still participate in the VCF?

Yes, you can still file a claim and seek to participate.

3.10 Do I need to submit any medical records to the VCF if my condition has been certified for treatment under the WTC Health Program after July 1, 2011? (Updated: July 24, 2012)

Eligibility Form: In general, you will not need to submit medical records with your VCF Eligibility Form if your condition has been certified for treatment by the WTC Health Program (and if your condition is a presumptively covered condition under the VCF rules). After reviewing your claim form, the VCF will advise you if any particular certified medical records are necessary in order to process your claim.

Compensation Form: You might need to submit medical records if you are claiming a disability. In general, the VCF will need documents and records that demonstrate that you have a disability and the cause of the disability. In some cases, the VCF will also need additional medical records to assist in the evaluation of the disability claim. The VCF will provide guidance to Claimants and will make specific requests for medical records as necessary. See FAQ 6.32 for information on specific medical records that you must submit with your Compensation Form.



3.11 If I need to submit medical records, do they need to be “certified” medical records? What are “certified” medical records? (Updated: July 24, 2012)

If you are required to submit medical records (for example, if you are claiming a traumatic injury in your VCF claim), you will be required to submit certified medical records. Certified medical records are records with a certificate attached, usually signed by the custodian of records for the particular office or facility, affirming that the pages are true and accurate copies of records in the patient's file.

If you have already gathered your medical records and they are not certified, you may submit those along with a signed affidavit or statement explaining when and from whom you collected those records. The VCF will notify you if additional records are needed or if it is necessary for the VCF to obtain confirmation from the original custodian of the records.

For information on whether you might need to submit medical records and when to do so, see FAQ 2.11 (for general information), FAQ 3.10 (for information when your condition has been certified for treatment under the WTC Health Program after July 1, 2011), and FAQ 6.32 (for information on determination of economic loss and records that should be submitted with the Compensation Form).

3.12 If I first developed my presumptively covered condition before September 11th, 2001, but it has gotten worse since then, can I still participate in the VCF?

If you developed your condition before September 11, 2001, you may still be eligible for compensation if your condition has gotten worse since that time and the VCF determines that your exposure to airborne toxins, other hazards or adverse conditions resulting from the September 11, 2001 terrorist attacks is substantially likely to be a significant factor in aggravating the condition.

3.13 If I have suffered a physical injury as a result of September 11th, but I never sought medical treatment for the injury, am I eligible for the VCF?

The Zadroga Act and the final rules limit compensation to individuals who were “treated by a medical professional within a reasonable time from the date of discovering” the physical harm. A “reasonable time” will be determined on a case-by-case basis.

3.14 If I have suffered a physical injury as a result of September 11th but am still able to work, am I eligible for the VCF?

Yes. Individuals who are still able to work may receive compensation for other economic losses they may have suffered, such as medical expenses, or for non-economic losses.

3.15 Will side effects from taking September 11th-related medications be covered by the VCF?

This may depend on the circumstances of your particular condition. The Zadroga Act provides for the VCF to base awards on the losses that each Claimant has suffered as a direct result of September 11th. Whether side effects arising out of medications taken to treat a covered condition are themselves directly related to September 11th will depend on the type of condition, the nature of the medication and the side effects, and other factors that may vary from individual to individual.

3.16 If I have multiple conditions as a result of September 11th, will the VCF cover all of them?

As long as each condition was caused as a direct result of September 11th, the VCF will consider all of the conditions suffered by each eligible Claimant in determining the economic and non-economic loss. However, the method for determining compensation will depend on proof of economic loss. The VCF will not provide multiple awards or awards for each condition.



3.17 If I am found eligible for the VCF, what treatments are covered?

The VCF does not provide treatment. The VCF will consider the cost of treatment – to the extent that it is not reimbursed – in determining economic loss.

3.18 What standards apply for an individual who has died? (Updated: December 5, 2011)

The same standards regarding physical injury apply. That is, if an individual died as a result of a presumptively covered physical injury, health condition or disease that was a direct result of the September 11th crashes, then the Personal Representative of that individual may file a claim with the VCF.

3.19 If I have a condition that has been certified for treatment under the WTC Health Program after July 1, 2011, am I automatically eligible to recover from the VCF for that certified condition? (Added: July 24, 2012)

Not necessarily. First, the VCF can only provide compensation for physical injuries. If you have a mental health condition that is certified for treatment under the WTCHP, that condition is not eligible for compensation by the VCF. Second, even if you have a certified physical condition, you must also meet all the other eligibility requirements of the VCF in order to be compensated by the VCF. For example, you will need to submit proof to show that you were present at the crash sites as defined in the VCF regulations, and you must submit proof that you timely settled or withdrew from a September 11th related lawsuit.

3.20 How will the VCF determine whether the injury or condition is “certified” by NIOSH for deceased individuals? (Added: October 2, 2012)

If the Decedent did have a condition that was certified for treatment under the WTC Health Program: The VCF may be able to obtain the necessary records directly from the WTC Health Program. In order for the VCF to obtain these records, you must submit the signed authorization forms at Part IV and Exhibits A and B2 of the Eligibility Form. It is possible that the VCF will need additional records and if so, the VCF will notify you and provide instructions.

If the Decedent’s injury or condition was treated by physicians or programs other than the WTC Health Program: You must provide proof that he or she sustained a physical injury or condition that is one of the presumptively covered physical injuries or conditions listed in FAQ 2.8. This means the Decedent’s physician(s) will need to complete certain medical history forms. The VCF will send these forms directly to the physician(s). These forms will allow you to demonstrate that the Decedent’s physical injury or condition was a direct result of the air crashes or debris removal. If the records obtained from the physicians do not provide all of the information the VCF needs, the VCF will contact you and request additional medical records. You will then need to submit certified contemporaneous medical records and documents created by or at the direction of the medical professional(s) who provided the medical care. (A contemporaneous record is one that was created at or near the time you received an examination or treatment). This may include medical records of hospitals, clinics, physicians, licensed medical staff, or registries maintained by the federal, state or local governments.

3.21 How do I submit a new claim, or supplement my existing claim, to include cancer as a claimed condition? (Updated: December 13, 2012)

On December 13, 2012, the Personal Injury and Deceased Individual claim forms were revised to include the cancers that were added to the List of WTC-Related Health Conditions effective October 12, 2012. The updated forms, available through the [online claim system](#) and in hard copy (upon request), now include cancer in the list of eligible conditions included in Part III of the form.



Claimants who have started an online claim but have not yet submitted it will see the updated form when they access their claim. All information entered into the old claim form will be automatically populated into the new claim form so it is not necessary to enter the same information again. To add cancer as a claimed condition, go to Part III of the form and select the appropriate cancer from the list. Please be sure to review all of the previously entered data to confirm it is still accurate and make any necessary updates as you work through the claim form.

Claimants who have already started a paper claim form and do not want to start a new one can call the toll-free Helpline (1-855-885-1555) to request that a copy of the updated claim form pages be mailed to you. Once completed, these pages can be mailed to the Fund with your complete claim form package.

Claimants who have already submitted their claim form either online or on paper should call the toll-free Helpline (1-855-885-1555) to request that a copy of the updated claim form pages be mailed to you. Claimants can complete these pages to indicate the specific cancer(s) to be added to their claim and return them to the Fund. **Please note that at this time, claimants who submitted online claims cannot add cancer to their existing claim through the online system.** Claimants who submitted an online claim can also choose to send a letter to the Fund requesting that the specific cancer(s) be added to their claim. Claimants should print the list from the website ([FAQ 3.4](#)) to ensure the right cancer(s) is identified and include it with their correspondence to the Fund along with their claim number, full name, SSN, and contact information. In addition to sending the original letter, claimants may also upload a scanned image of the letter and claim form pages to their online claim.

Completed claim form pages and hard copy correspondence related to adding cancer to an existing claim should be sent to:

By mail:
September 11th Victim Compensation Fund
P.O. Box 34500
Washington, D.C. 20043

By overnight mail:
September 11th Victim Compensation Fund
Claims Processing Center
1100 L Street, N.W. - Suite 3000
Washington, DC 20005

3.22 What is the process that NIOSH will use to determine whether to “certify” a cancer that has been added to the list of WTC conditions? (Added: December 13, 2012)

NIOSH has issued guidelines that it will follow in determining whether to certify a cancer for treatment under the WTCHP.

The NIOSH guidance states: “Before a claimant can receive treatment or monitoring for a type of cancer, a physician must first determine whether the type of cancer is included in the List of WTC-Related Health Conditions and whether the member’s exposure to the September 11, 2001 terrorist attacks was substantially likely to have been a significant factor in aggravating, contributing to or causing the type of cancer.”

The NIOSH guidelines contain date of diagnosis information for each category of cancer. Cancers diagnosed before the specified date generally will not be eligible.

For further details on the NIOSH process, guidelines and dates of diagnosis please see the [World Trade Center Health Program Instructions for Requesting Certification for Types of Cancer](#).



3.23 I have been found eligible for some conditions, but I have additional conditions that I believe are eligible and could affect my compensation award. What can I do? *(Added: January 24, 2013)*

If the VCF finds that you have satisfied all eligibility requirements, it will notify you as to which conditions are eligible. The VCF determines your eligible conditions based on information it receives from the WTC Health Program. That is, any physical condition that the WTC Health Program certifies for treatment will be eligible in the VCF. Conditions that the WTC Health Program does not certify for treatment are not eligible. If you are not being treated by the WTC Health Program, or if you are being treated by the WTC Health Program for only some of your conditions, then the VCF will need to obtain information from your private physician and submit that information to the WTC Health Program for a determination as to whether the condition(s) satisfy the standard for certification for treatment under that program.

The list of eligible conditions in your notification letter may not exactly match the list of conditions you claimed on the claim form for several reasons. For example, there may be several alternative descriptions for the same injury. Also, your condition may not appear in the eligibility letter if the WTC Health Program has recently certified it for treatment. The VCF regularly receives updated information from the WTC Health Program, and you will be notified if additional conditions have been found eligible.

The VCF will determine your compensation award based solely on the conditions that have been found eligible. Once you receive your compensation award letter, you have the right to appeal. As part of this appeal, you may request that the VCF consider whether additional injuries should be eligible. To consider the appeal, the VCF may request additional information or records from the physicians treating those conditions. If the VCF determines that the additional injuries are eligible, it will revise your award to reflect any losses caused by the additional eligible injuries.

Note: The Zadroga Act requires that you must file a claim within two years of when you first knew or should have known of your physical harm. (See FAQ #4.4, #4.6, and #4.10 for more information on the deadlines). The VCF will consider all conditions listed in your eligibility form to be filed as of the date of your registration – even if these conditions are not considered eligible by the VCF for purposes of determining the award.



Section 4. Application Process

4.1 What do I have to do to apply to the VCF? Which application form should I complete?

To apply for compensation from the VCF, you must complete one of two forms:

- Claimants who have suffered personal injuries as a result of the aircraft crashes or debris removal should complete the **Eligibility and Compensation Form for Personal Injury Claimants**.
- Personal Representatives of individuals who have died as a result of such aircraft crashes or debris removal must complete the **Eligibility and Compensation Form for Deceased Individuals**.

These forms will collect information about your eligibility for the program and about the amount of your economic and/or non-economic loss.

4.2 Where do I get the application form and how do I submit it?

(Updated: November 22, 2011)

The application forms are available online and for those who do not have access to a computer, the VCF will mail a form upon request. In order to ensure efficient processing of your claim, the Special Master strongly encourages you to complete and submit the form electronically through the VCF's website at www.vcf.gov. However, those Claimants who are unable to use the electronic process can get the proper form in hard copy by calling the toll-free number 1-855-885-1555. Hard copy forms should be submitted as follows:

- **By mail to:**
September 11th Victim Compensation Fund
P.O. Box 34500
Washington, D.C. 20043
- **By overnight mail to:**
September 11th Victim Compensation Fund
Claims Processing Center
1100 L Street, N.W. – Suite 3000
Washington, DC 20005

4.3 NO LONGER RELEVANT *(Updated: November 22, 2011)*

4.4 What does it mean to register for the VCF? *(Updated: August 13, 2012)*

The registration process allows individuals who may be interested in filing a claim to create an online account and begin the process of providing information that will be required to file a claim with the VCF. This registration process does not create a claim and you are not waiving any rights or claims by registering. By submitting the information requested, you will be registering with the VCF either as a potential claimant or a representative of a potential claimant. To meet the VCF's filing deadline, you must complete and submit a registration within two years of when you first knew or should have known that you were injured as a result of September 11 (or by October 3, 2013 if you first learned of your injury before October 3, 2011). Please see FAQ #4.6 for more information on the deadline for filing claims.

The registration process will ask you to provide basic information on (i) the potential Claimant who was injured or harmed, or the deceased individual who died as a result of the air crashes of September 11, 2001 or the subsequent debris removal, (ii) if applicable, the authorized guardian or representative who would be filing the potential claim on behalf of such individual (such as the guardian of a minor child or Personal Representative of a deceased individual), and (iii) if applicable, the attorney or other individual who is assisting the potential Claimant or authorized representative. In



addition, the registration form requests basic information about the status of the potential Claimant, including the potential Claimant's "presence" at a 9/11 crash site during the period between September 11, 2001 and May 30, 2002.

After registering, you will be able to begin the online Eligibility Form.

4.5 NO LONGER RELEVANT *(Updated: December 5, 2011)*

4.6 Is there a deadline for filing the forms? *(Updated: January 24, 2013)*

The Zadroga Act provides that a person who knows or reasonably should have known of physical harm resulting from the September 11th attacks as of October 3, 2011 must file his or her claim within two years - that is, by October 3, 2013. A person who learns of physical harm after October 3, 2011 must file his or her claim within two (2) years of the date that person learned or should reasonably have known that he or she suffered a physical injury as a result of the attacks. To meet this deadline, the VCF must receive your complete Registration Form within the relevant two-year window if you submit your claim online. As long as you complete your Registration Form within the relevant two-year window, you can submit your Eligibility Form online at any point during the VCF's existence (i.e., through October 3, 2016). The VCF will consider all conditions listed in your eligibility form to be filed as of the date of your registration. If you choose to submit your claim in hardcopy, the VCF must receive your Eligibility Form, even if not complete, within the relevant two-year window.

The Zadroga Act authorizes the VCF to receive claims for five years after it opens in 2011. Final payments will be made in 2016-17.

4.7 Which application form should I complete if I am filing on behalf of somebody who suffered a physical injury as a result of the aircraft crashes or debris removal but has since died from an unrelated cause?

You should complete the Eligibility and Compensation Form for Personal Injury Claimants and explain the situation in Section I.B of that form.

4.8 Once I file the claim form, what will happen?

The VCF will begin reviewing and evaluating your claim once it receives your filed Eligibility Form and required signatures. If you are deemed ineligible, you will have the opportunity to appeal that decision to the Special Master. If you are deemed eligible, the VCF will begin reviewing and evaluating your Compensation Form once it is submitted. If you are eligible for an award, you have the option of accepting the award or appealing the award if you believe that the award is incorrect. After hearing your appeal, the Special Master will notify you of the final amount of your award. That decision is final and cannot be appealed.

4.9 Is it possible for law firms or other organization to submit claimant information in a "group" or "bulk" format so that the law firm can submit multiple claims at the same time? *(Updated: June 22, 2012)*

VCF has launched the Bulk Upload feature to allow law firms the ability to upload claimant information for a large number of claimants efficiently. This feature will be provided for the Registration portion of the claim. Please reference the [Bulk Upload](#) webpage for the latest details on this feature.



4.10 If I currently have a presumptively covered health condition but I think it may get worse, should I wait until then to file my claim? *(Updated: January 24, 2013)*

Under the Zadroga Act, individuals who knew or should have known as of October 3, 2011 that they suffered physical injuries as a result of the attacks must submit their Registration Forms by October 3, 2013 if submitting their claim online. For individuals who choose to submit their claim in hardcopy, the VCF must receive their Eligibility Form, even if not complete, by October 3, 2013. Individuals who did not know of their injuries by October 3, 2011 must do one of those two things within two (2) years of when they knew or reasonably should have known of their injuries.

As long as your Registration Form (or, if submitting in hardcopy, the Eligibility Form) is submitted by the appropriate date, you will have met this deadline. Once you submit your Eligibility Form, you are encouraged to complete and submit your Compensation Form. You do not need to wait to receive an eligibility determination before submitting your Compensation Form. If your injury or condition later worsens, or if you sustain additional economic losses due to your eligible injury or condition, you may then amend your Compensation Form to seek the additional losses. In any event, all claims must be submitted by October 3, 2016.

4.11 Can I print my claim form? *(Added: August 22, 2012)*

The online system includes the ability to print your claim form at any point in the process. This means that you can print a full copy of the completed or partially completed claim form for your records. To print a copy of the form:

1. Select either "Claimant Registration" or "Claims Process" from the main menu bar.
2. Click on the "Print Form" link located next to your claim number.
3. The form will open as a PDF file and any information you have entered into the online application will be populated into the appropriate places on the form.
4. Use your computer's print function to print the entire form or specific pages. You may also save a copy of the file to your computer.

Please note that in order to use the print feature, the system will first download and store on your computer a PDF file containing your claim form responses. You can then print this file for your records. If you are using a public or shared computer, you may want to delete the file after you print it, since it contains personal information.

4.12 How do I upload additional documents to my claim once I have submitted the Eligibility form online? *(Added: January 24, 2013)*

After submitting your Eligibility form online, you can continue to upload documents to your claim by following these steps:

1. Log into the claims system and click on the "Claimant Search" tab on the main menu bar.
2. On the Claimant Search screen, you will see a table with your claim number and a "View Details" icon to the far right.
3. Click on the "View Details" link.
4. A screen will open showing details about your claim. Click on the "Document Upload" tab.
5. Browse for the file you would like to upload, choose the file from your computer, and then click "Select" to identify the type of document you are uploading. Be sure to carefully read the full



list of document types before choosing the one that most accurately describes the type of document you are uploading to your claim.

6. Click "Upload File". Once the file has uploaded, you should see the message "File Uploaded Successfully" in the bottom of the Document Upload box.

4.13 Can I access my claim online if I originally filed on paper? *(Added: January 24, 2013)*

Yes. If you filed your claim on paper and would like to access your claim online, you must first register in the online system, including creating a user name and password. To access the system, go to www.vcf.gov, click on "How to File a Claim", and then click on "Register or File Claim Now". Follow the directions to register and create an online account.

Once you have a user name and password, please call the toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-353-0356. Please be sure to have your claim number when you call. Your claim number should have been mailed to you when you first submitted your Eligibility form.

A Helpline representative will take your information and create an online access request for your claim. It will take approximately two business days for your claim to be linked to your new online account.

After two business days, log into your online account and click on the "Claims Process" tab, which is the third button from the left in the gray bar beneath the banner. You will see a table with your VCF number, your name, and the status of your Registration, Eligibility and Compensation forms. You can access your claim and submit new information by clicking on the appropriate link from this table.



Section 5. Personal Representative

5.1 Who is the Personal Representative of a deceased individual?

The Personal Representative is the individual authorized to submit a claim on behalf of a deceased individual. The Personal Representative is normally the individual who is appointed by a court of competent jurisdiction — such as a State surrogate or probate court — as one of the following:

- The Personal Representative of the Decedent's will or estate;
- The Executor of the Decedent's will; or
- The Administrator of the Decedent's estate.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. In very limited circumstances, the Special Master has the authority to appoint a Personal Representative for the VCF where a court has not done so. See FAQ 5.3.

Note: The Personal Representative is not necessarily the person who ultimately will receive the award. The Personal Representative is required to distribute the award in a manner consistent with the law of the Decedent's domicile or any applicable rulings made by a court of competent jurisdiction. However, in order to assure that the families of deceased individuals receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the VCF. Notwithstanding any other provision of these regulations or any other provision of State law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the Decedent's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

5.2 How do I get appointed Personal Representative by a State court?

Since State law governs the designation of Personal Representatives, the Special Master generally advises Claimants to work with the probate or surrogate court in the State or country where the Decedent lived to become the Decedent's Personal Representative. The process varies by State and country.

In general, to be designated as the Personal Representative when there is a will, you will be required to bring the Decedent's will to court. If there was no will, you may need to provide other relevant documentation to prove your relationship to the Decedent.

5.3 How do I show that I am the proper Personal Representative of the deceased individual for filing a claim with the VCF?

In most cases, if you have been appointed as the Personal Representative, executor, or administrator by a court, you should provide copies of relevant legal documents, such as court orders, letters testamentary, letters of administration, or similar documentation.

If you have not been appointed by a court as the Personal Representative of the Decedent or as the executor or administrator of the Decedent's will or estate, and you believe you cannot get such an appointment, you may ask the Special Master to appoint you as the Personal Representative for the VCF. To do so, you will need to show why you were unable to get a court appointment, and you will need to provide additional documents showing you satisfy one of two additional requirements. If you were named as the executor in the Decedent's will, you will need to provide the will. If there is no will, you will need to demonstrate you were next in line of succession under the laws of the Decedent's



domicile governing intestacy. Documents demonstrating proof of your relationship to the Decedent may include:

- For a spouse, a copy of the marriage certificate or joint tax return;
- For a child, a copy of the child's birth certificate or Decedent's tax return;
- For a parent, a copy of the Decedent's birth certificate;
- For a brother or sister, a copy of the brother's or sister's birth certificate and the Decedent's birth certificate.
-

5.4 What is Domicile?

A "domicile" is a permanent home. Although a person may have more than one residence, he or she may only have one domicile at any time. While residence means living in a particular locality, domicile means living in that locality with intent to make it a fixed and permanent home. Proof that someone intends to remain indefinitely in a particular location may include: voting registration, place of employment, current residence, location of real and personal property, location of the spouse and family, driver's license, automobile registration, location of bank accounts, payment of taxes and the tax return address. For example, if a Claimant entered the Navy and left New York temporarily to live in a home in Ohio during the course of service, but he or she always intended to return to New York after the service, the domicile would be New York. A Claimant from England, who maintained a permanent address in England, but resided in New York on an extended business trip, would be a domiciliary of England.



Section 6. Compensation Computations

6.1 Will the amount of awards be the same as in the VCF's first iteration, or will they be reduced?

The methodologies for computing economic loss will be based on those from the original VCF, with certain updates in the components of the economic loss calculation assumptions as appropriate. The Special Master will publish guidance on an ongoing basis regarding these computations. The amount that each Claimant will receive will depend on the amount of economic loss (if any), the non-economic loss, the offsets applied, the number of Claimants, and the aggregate amount of eligible awards. In the Zadroga Act, Congress appropriated \$2.775 billion to pay all of the awards, which means that the VCF cannot pay out any more than that amount. This means that if the aggregate amount of awards and administrative costs exceeds this capped amount, the awards will have to be reduced. The VCF cannot determine whether such a reduction will be necessary until it receives and evaluates all the claims.

6.2 How much money can I receive from the VCF? How do I figure out how much I will get?

All awards will generally consist of the same three components and will be calculated as follows:

Economic loss **plus** Non-economic loss **minus** Collateral source payments

To determine economic loss, the Special Master will consider any prior loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, and loss of business or employment opportunity. The final regulations provide set presumed non-economic awards for deceased individuals, but because every physical injury is unique, the Special Master may determine presumed non-economic losses on a case-by-case basis for physically injured Claimants. The Special Master must then subtract any collateral offsets received or eligible to be received.

Economic Loss

6.3 What is economic loss?

Economic loss is an estimate of the compensation that would have been available to the family or eligible survivors of the deceased individual or the injured individual if the tragedy had not occurred and may include:

- Medical and other out-of-pocket expense loss;
- Loss of earnings or other benefits related to employment because of disability or death; and/or
- Replacement services loss.

Economic loss consists of two aspects – prior loss and future loss. Prior loss includes non-reimbursed expenses that the Claimant or Decedent has already incurred as a result of the qualified injury, as well as earnings and other compensation that the Claimant or Decedent has already lost due to work he or she has missed as a result of the qualified injury. Future loss represents an estimate of the future compensation (including wages, salary, and benefits) that an individual would have earned if he or she had not died or sustained an injury resulting in an ongoing disability or reduction in future compensation. Future loss also includes future medical expenses and replacement services that a disabled Claimant will incur in the future.



6.4 Can I apply for both prior loss and future loss?

Physically injured Claimants may apply for both past and future loss but should only do so if they actually have sustained past losses and if their qualified injury results in an ongoing disability. Claims submitted on behalf of deceased individuals may seek compensation for any out-of-pocket expenses incurred before the individual's death, as well as for lost future compensation and/or replacement services.

6.5 If I have not yet suffered economic harm, but fear that I may suffer economic harms in the future, should I submit a claim to the VCF now?

If you know or reasonably should have known on or before October 3, 2011 that you suffered physical harm as a result of the September 11th attacks or subsequent debris removal, the Zadroga Act requires you to file with the VCF by October 3, 2013. This requirement applies whether or not you have suffered economic harm as a result of your condition.

6.6 If I have not yet suffered economic harm, but my condition is expected to worsen, am I eligible for the VCF?

If you know or reasonably should have known on or before October 3, 2011 that you suffered physical harm as a result of the September 11th attacks or subsequent debris removal, the Zadroga Act requires you to file with the VCF by October 3, 2013. This requirement applies whether or not you have suffered economic harm as a result of your condition.

An individual whose condition has substantially worsened, resulting in damages or losses that were not previously compensated, may amend his or her claim.

6.7 Do I need to list every single medical expense I have incurred as a result of my condition?

You will need to document every expense for which you seek compensation from the VCF.

6.8 Can I seek compensation for medical losses I have incurred even if I was covered by health insurance?

You may seek compensation for out-of-pocket losses. If your health insurance paid for the medical treatment, then you do not have an out-of-pocket loss.

6.9 Can I seek compensation for my health insurance premiums?

If you are determined to be permanently and totally disabled and unable to work as a result of the qualified injury, then the computation of economic loss will include any benefits provided by your employer that you will lose because of your injury.

6.10 What does "loss of earnings to date" mean?

Claimants who have previously missed work due to their physical condition may be compensated for their loss of earnings from that missed work. This consists of salaries, tips, bonuses, benefits, and other compensation.

6.11 What if I missed work but was still paid because of sick leave, vacation days, or comp time?

The VCF will not compensate you for time you missed from work but for which you were still paid as sick leave, personal days, comp time, or other similar payments.



6.12 What type of documents do I need to submit to prove that I missed work and lost earnings?

You will have to submit documentation showing that you in fact missed work as a result of the qualified injury. Such documentation may include letters from employers, documentation from an employment file, or documentation or determination from a workers' compensation board. In addition, you will need to document the amount of compensation lost. In general, such documentation will consist of documents from your employer.

6.13 What is included in the definition of income for military personnel?

Military service members' and uniformed service members' compensation includes all of the various components of compensation, including, but not limited to, basic pay (BPY), basic allowance for housing (BAH), basic allowance for subsistence (BAS), Federal income tax advantage (TAD), overtime bonuses, differential pay, and longevity pay.

6.14 What are replacement services?

Replacement services are household services that the Claimant provided to the household. Such services include cleaning, cooking, child care, home maintenance and repairs, and financial services, among many others.

6.15 If my career is cut short as a result of a condition that is compensable under the VCF, will my award take into account lost wages?

Yes. The Zadroga Act provides for the VCF to take into account a Claimant's future loss of earnings as a result of a physical injury caused by September 11th.

6.16 If my career is cut short as a result of a condition that is compensable under the VCF, will my award take into account decreased pension benefits as a result of the shorter career?

Yes. The Zadroga Act provides for the VCF to take into account a Claimant's loss of earnings and other benefits related to employment.

6.17 Is the value of the pension earned by a deceased individual taken into consideration in computing claim award amounts?

Yes. The value of the pension that the Decedent would have received but for his or her death is considered as an income component as part of the Decedent's employer-provided benefits.

6.18 Would you provide more information about the procedures for calculating the presumed economic loss? (Updated: October 31, 2012)*

** These revisions are necessary to ensure that these factors are implemented in a manner consistent with VCF1.*

The calculation of presumed economic loss will generally follow the guidelines established in the original VCF. The Special Master will continue to review relevant developments that may affect the calculation of economic loss and will post any comments or updates. In general, the presumed economic loss both for claims on behalf of Deceased individuals and for claims of injured Claimants who are unable to work or whose earnings capacity has decreased as a result of the Claimant's disability due to the eligible conditions will be determined based on the individual's previous work history, compensation level and age.

In general, the VCF will use the following procedures and assumptions for determining economic loss:



1. Establish the Decedent's or injured Claimant's age and compensable income at death or at the time the Decedent or injured Claimant was unable to work or had to reduce work as a result of eligible conditions.¹ Income will be determined based on the documents submitted with the claim. Generally, the Special Master will consider the three calendar years of employment history before the Decedent's death or decrease in the Decedent's or injured Claimant's earnings capacity as a result of the Decedent's or injured Claimant's disability due to the eligible condition(s). However, the Special Master may consider other factors or other years or combinations of years in evaluating the claim.
2. Determine after-tax compensable income by applying the average effective combined Federal, State and local income tax rate for the Decedent's or injured Claimant's income bracket currently applicable in the State of the Decedent's or injured Claimant's domicile for tax purposes. The Special Master will consider the Decedent's or injured Claimant's tax returns as well as effective income tax rates derived from published Internal Revenue Service (IRS) data on selected income and tax items for Individual Income Tax Returns by State.² Effective income tax rates derived from IRS data for New York are attached as Table 1.
3. Add the value of employer-provided benefits. These benefits will be set at actual levels if data are provided. If the claimant does not provide data, the VCF will apply the same assumptions that were used in VCF1. The VCF will assume that the pension is 4% of pension-eligible compensable income and that medical benefits are \$2,400 per year in current year dollars and will be adjusted for applicable inflation. (To prepare the presumed award tables, the Special Master assumed that individuals would have benefits equal to 4% of compensable income and medical benefits of \$2,400 per year.)
4. Determine a measure of the Decedent's or injured Claimant's expected remaining years of workforce participation using the tabulated work-life expectancies for the Decedent's or injured Claimant's age at the time of death or at the time the Decedent or injured Claimant was unable to work or had to reduce work as a result of eligible conditions contained in the publication, "Worklife in a Markov Model with Full-time and Part-time Activity" by Kurt V. Krueger, Gary R. Skoog, and James E. Ciecka in the *Journal of Forensic Economics*, 19 (1) 2006, pp.61-82. These are the most recent and generally accepted tables of work-life expectancy regarding the general population available.

Work-life expectancies are based on actual experiences and behavior of the general population and measure the estimated remaining time in years an individual of a given age will be in the labor force (either employed or actively seeking work), allowing for age-specific mortality risks and rates of workforce transitions. The Special Master will use the expected work-life for Active Males, with a full-time beginning labor force state, to compute expected remaining years of workforce participation for both male and female Decedents and injured Claimants. The work-life expectancies are attached as Table 2. Because published estimated work-life expectancies by gender are lower for women than men, this specification increases the duration of estimated foregone earnings, and thus presumed economic losses, for female Decedents and injury Claimants and was implemented by the Special Master to accommodate for potential increases in labor force participation rates of women.

¹ Income up to the IRS 98th percentile of wage earners is considered.

² Average combined effective income tax rates by earnings bracket were calculated based on an analysis of IRS data for the most recent tax years available: 2007, 2008, and 2009.



5. Project compensable income and benefits through the Decedent's or injured Claimant's expected work-life using growth rates that incorporate an annual inflationary or cost-of-living component, an annual real overall productivity or scale adjustment in excess of inflation, and an annual real life-cycle or age-specific increase derived using data on average full-time year around earnings by age bracket from the 2010 Current Population Survey (CPS), a monthly survey of households conducted by the Bureau of the Census for the Bureau of Labor Statistics. This survey is widely recognized as the primary source of data on employment status and workforce characteristics of the civilian non-institutional population ages 16 years and older. Because age-specific observed life-cycle increases for all males were higher than observed life-cycle increases for both men and women combined, the Special Master elected to incorporate the life-cycle increases for males into earnings growth for all Decedents or injured Claimants, both male and female.

Independent of life-cycle increases, inflation and real overall productivity increases of 2% and 1%, respectively, were applied each year. These rates of increase are consistent with the long-term relationship between economy-wide wage growth and risk-free interest rates, which currently reflect lowered inflationary expectations. A schedule containing age-specific earnings growth rates reflecting the combined inflation, overall productivity and life-cycle increases is attached as Table 3. The Special Master has determined that individual age-specific growth rates, rather than growth independent on a particular age bracket at death, better reflects the expected pattern of earnings over one's career³ and results in more equitable and consistent projections for Decedents or injured Claimants close to each other in age with otherwise similar family and employment characteristics.

6. To better reflect contingencies that the Decedents or injured Claimants would have faced, all future earnings amounts will be adjusted for a factor to account for the risk of unemployment because lifetime jobs are not representative of the modern economy. This adjustment is made because work-life expectancies are based on years of expected workforce participation, which, as defined by the Bureau of Labor Statistics, include periods an individual is either working or seeking work. Historical unemployment rates were examined and a reduction factor of 6% was applied to presumed earnings to account for this risk.⁴
7. For claims for Deceased individuals, subtract from annual projected compensable income and benefits the Decedent's share of household expenditures or consumption as a percentage of income, using expenditure data by income level obtained from "Table 2. Income before taxes: Average annual expenditures and characteristics, Consumer Expenditure Survey, 2009," published by the Bureau of Labor Statistics (BLS). This subtraction is a standard adjustment in evaluating loss of earnings in wrongful death claims because some amount of the income the Decedent would have contributed to the household would have been consumed personally by the deceased and not available to other household members. A Decedent's expenditures were calculated as a share, based on household size, of certain expenditure categories. For married or single with dependents, these expenditure categories include Food, Apparel & Services,

³ Real life-cycle increases are typically higher in the earlier stages of one's career, one reason being unrealized opportunities for advancement and promotion that individuals in later stages of their careers have already experienced. During the course of an individual's career, the rate of annual real life-cycle growth tends to gradually decline until a peak real earnings level is attained. Although CPS and other data used to study lifetime earnings profiles indicate that peak real earnings typically decline at some point, in calculating life-cycle earnings growth in excess of inflation and overall productivity adjustments for Decedents and injured Claimants, the Special Master has assumed that peak earnings are maintained.

⁴ Application of individualized unemployment rates by age or occupation was infeasible and determined to be unnecessary.



Transportation, Entertainment, Personal Care Products and Services, and Miscellaneous. For single without dependents, Housing, Education and Health are also included.⁵ For lower income categories where total expenditures exceed income, expenditures were scaled to income, so as not to reduce income for expenses potentially met by other forms of support. This approach was intended to avoid a penalty to the claimant. Table 4 shows calculated consumption rates by income bracket and for various household sizes.

In determining household size for claims for deceased individuals, the Special Master will assume that children will remain in the household through age 18. Consumption rates calculated using alternative techniques were considered but found to produce higher personal consumption rates and were not ultimately used to determine the Decedent's household consumption offset.⁶ Although the consumption rates determined from BLS data actually represent household expenditures as a percent of before-tax household income, the actual consumption reduction used to determine the Decedent's personal expenditures was calculated as a percent of lower after-tax income, which significantly reduces the resulting offset. In addition, the Decedent's or injured Claimant's consumption is determined as a share of the Decedent's or injured Claimant's own earnings only, rather than the standard share of total household earnings. This further lessens the resulting subtraction, compared to personal consumption offsets typically applied in litigation, if there are other earners in the household.

8. Calculate the present value of projected compensable income and benefits using discount rates based on a weighted average of historical yields on mid- to long-term U.S. Treasury securities, adjusted for income taxes using a mid-range effective tax rate.⁷ Because the period of presumed economic losses is either longer or shorter, depending on the Decedent's or injured Claimant's age, the present value calculations are performed using yields on a blend of securities with longer or shorter times to maturity. For computational efficiency, three blended after-tax discount rates were used, depending on the Decedent's or injured Claimant's age as of date of death or time the Decedent or injured Claimant was unable to work or had to reduce work as a result of eligible conditions, and assumed to apply for all years forward. These rates are shown on Table 5, attached.⁸ The present value adjustments will be based on the period of presumed economic loss (which is in turn based on the age of the Decedent or injured Claimant).

⁵ Other standard expenditure categories sometimes included in litigation, namely Reading, Cash Contributions, Alcoholic Beverages, and Tobacco Products, were excluded.

⁶ These alternative techniques included an analysis of BLS data on household expenditures reported by household size, with expenditure categories allocated equally among household members or allocated according to the methodology suggested by authors Robert Patton & David Nelson in their 1991 Journal of Forensic Economics article, "Estimating Personal Consumption Costs in Wrongful Death Cases."

⁷ The tax rate used to determine after-tax interest rates is the computed combined Federal, State and Local income tax rate of 15.1% for New York for the \$70,000 earnings bracket. Although it is recognized that a different after-tax interest rate could theoretically be calculated for each age, income, and state combination, such a computation was impracticable for the large-scale valuations to be undertaken here. It was determined that the benefit to the claimants of calculating the Decedent's personal consumption offset as a percent of after-tax individual earnings more than outweighed the potential effect of discounting future amounts by income-specific after-tax discount rates. Moreover, computation of the after-tax discount rate using a relatively high combined New York income tax rate, compared to other states, results in a lower after-tax discount rate. The lower the after-tax discount rate, the higher the present value of presumed economic loss.

⁸ The blended discount rates, before tax adjustment, shown on Table 5 imply real interest rates in excess of inflation of 2.1%, 1.8%, and 1.2%, depending on the average time to maturity consistent with the average duration of presumed losses.



9. The computation methodology adopts a number of assumptions implemented to facilitate analysis on a large scale. When viewed in total, these assumptions are designed to benefit the claimants and are more favorable than the standard assumptions typically applied in litigation. For example, the Special Master considered that over the course of their projected careers, younger Decedent's or injured Claimant's could expect to cross into higher income brackets, and be subject to corresponding higher income tax rates, on account of experience-based real lifetime earnings growth in excess of economy-wide national wage increases. To calculate presumed economic losses, however, whatever income tax rate corresponded to the Decedent's or injured Claimant's determined compensable income bracket as of date of death or time the Decedent or injured Claimant was unable to work or had to reduce work as a result of eligible conditions was assumed to apply for the remainder of the Decedent's or injured Claimant's career, without increase. Likewise, the calculations of presumed economic losses also assume that the personal consumption percent corresponding to the Decedent's or injured Claimant's determined compensable income bracket as of date of death or time the Decedent or injured Claimant was unable to work or had to reduce work as a result of eligible conditions applies for the remainder of the Decedent's or injured Claimant's career, without decrease. It was determined that the net effect of these and other facilitating assumptions was to increase the potential amount of presumed economic loss to the benefit of the claimant.

Please [click here](#) for detailed Economic Loss Illustrations.

Table 1 Presumed Future Effective Combined Federal, State and Local Income Tax Rates for New York								
Income								
\$10,000	\$20,000	\$25,000	\$30,000	\$35,000	\$40,000	\$45,000	\$50,000	\$60,000
3.70%	5.70%	7.70%	8.84%	9.99%	11.14%	12.29%	13.43%	14.58%
Income								
\$70,000	\$80,000	\$90,000	\$100,000	\$125,000	\$150,000	\$175,000	\$200,000	\$225,000
15.12%	15.67%	17.51%	19.34%	21.41%	23.47%	25.53%	27.59%	29.65%

Note: Calculated from data reported by the Internal Revenue Service's Statistics of Income (SOI) Division for individual income tax returns: Forms 1040, 1040A, 1040EZ for Tax Years 2007, 2008, and 2009 (Table 2; files 07in33ny.xls, 08in33ny.xls, 09in33ny.xls). Obtained from the IRS website, <http://www.irs.gov/taxstats/article/0,,id=171535,00.html>

Table 2 Expected Remaining Years of Workforce Participation	
Age	All Active Males
25	34.19
30	29.88
35	25.49
40	21.17
45	17.03
50	13.03
55	9.43
60	6.31
65	4.60

Source: "Worklife in a Markov Model with Full-time and Part-time Activity" by Kurt V. Krueger, Gary R. Skoog, and James E. Cieccka in the Journal of Forensic Economics 19(1), 2006, pp. 61-82.



Table 3
Presumed Age-Specific Earnings Growth Rates
(Including Life-Cycle, Inflation, and Overall Productivity Increases)

Age	Earnings Growth Rate
18	9.976%
19	9.807%
20	9.642%
21	9.481%
22	9.271%
23	9.062%
24	8.854%
25	8.645%
26	8.438%
27	8.230%
28	8.023%
29	7.816%
30	7.610%
31	7.404%
32	7.199%
33	6.994%
34	6.789%
35	6.585%
36	6.381%
37	6.177%
38	5.974%
39	5.771%
40	5.569%
41	5.367%
42	5.166%
43	4.964%
44	4.764%
45	4.563%
46	4.363%
47	4.163%
48	3.964%
49	3.765%
50	3.567%
51	3.369%
52	3.171%
53+	3.000%

Note: Nominal percentage changes assume annual inflation or cost of living increases of 2.0% plus overall productivity adjustments of 1.0% per year. The underlying real life-cycle percentage change is calculated using a regression analysis of log of total earnings on experience and experience squared using earnings for full-time year-round male workers from the 2010 Current Population Survey (CPS) table PINC-04.

Table 4
Decedent's Personal Expenditures or Consumption as Percent of Income

	Income								
	\$10,000	\$20,000	\$25,000	\$30,000	\$35,000	\$40,000	\$45,000	\$50,000	\$60,000
Single	77.6%	75.4%	75.0%	73.2%	68.3%	63.4%	63.5%	63.7%	62.6%
Single, 1 dependent child	18.8%	18.8%	18.8%	18.8%	17.7%	16.6%	16.5%	16.5%	16.1%
Married, no children	34.9%	26.8%	25.7%	25.7%	22.4%	19.2%	17.8%	16.5%	16.1%
Married, 1 dependent child	18.8%	16.9%	16.5%	14.7%	13.7%	12.6%	11.9%	11.2%	10.9%
Married, 2 dependent children	12.9%	12.0%	11.8%	10.9%	10.1%	9.4%	8.9%	8.4%	8.2%

	Income								
	\$70,000	\$80,000	\$90,000	\$100,000	\$125,000	\$150,000	\$175,000	\$200,000	\$225,000
Single	61.6%	52.7%	45.8%	45.8%	45.8%	45.8%	45.8%	45.8%	45.8%
Single, 1 dependent child	15.7%	13.4%	11.9%	11.9%	11.9%	11.9%	11.9%	11.9%	11.9%
Married, no children	15.7%	12.9%	10.8%	10.8%	10.8%	10.8%	10.8%	10.8%	10.8%
Married, 1 dependent child	10.6%	8.8%	7.6%	7.6%	7.6%	7.6%	7.6%	7.6%	7.6%
Married, 2 dependent children	8.0%	6.7%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%	5.8%



Table 5
Assumed Before-Tax and After-Tax Discount Rates

Age of Victim	Before-Tax Discount Rate	After-Tax Discount Rate
35 & Under	4.1%	3.5%
36 - 54	3.8%	3.2%
55 & Over	3.2%	2.7%

Note: The present value of presumed economic loss is calculated by applying the after-tax discount rate corresponding to the victim's age at death to all future periods. For example, projected earnings and benefits for a victim who was 30 years old at the time of death will be discounted to present value at 3.5% per year for all future years, and projected earnings and benefits for a 45-year-old victim will be discounted to present value at 3.2% per year for all future years.

Non-Economic Loss

6.19 What is non-economic loss?

The Zadroga Act defines non-economic loss as losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other non-pecuniary losses of any kind or nature.

6.20 How will non-economic loss be calculated?

Each person who was killed or injured in the September 11th attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some individuals experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some individuals had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of individuals these circumstances are unknowable.

After extensive fact finding, public outreach, and review of public comments in the original VCF, the Special Master and the Department of Justice concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of individuals killed or injured by the September 11th attacks was to assess the non-economic losses for categories of Claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived. The regulations therefore set a presumed award for non-economic losses sustained by individuals who died as a result of the September 11th aircraft crashes or subsequent debris removal: \$250,000, plus an additional \$100,000 for the spouse and each dependent of the deceased individual. The latter figures - \$100,000 for the spouse and each dependent - included a non-economic component of "replacement services loss." For the new VCF, the Special Master and the Department of Justice determined that no change from these figures is warranted, and so the presumed non-economic awards for deceased individuals will remain the same. As before, non-economic awards are not pre-determined for physically injured Claimants, since each injury is unique. Instead, non-economic awards may be determined based on the extent of the physical harm suffered by the Claimant.



Collateral Source Payments

6.21 How will the Special Master determine the amount of my collateral source benefits?

The statute defines collateral sources to mean all such sources, including life insurance, pension funds, death benefit programs, settlement payments from September 11th-related lawsuits, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001 or debris removal. The statute and regulations require the Special Master to reduce the total amount of compensation by the amount of the collateral source compensation the physically injured Claimant or the Decedent's beneficiaries have received or are entitled to receive as a result of the terrorist-related aircraft crashes or subsequent debris removal.

The Special Master will exercise discretion in valuing the appropriate deductions for collateral offsets including by determining:

1. Whether the particular offsets fall within the definition of collateral sources;
2. Whether beneficiaries of the VCF are "entitled" to receive compensation from those collateral sources;
3. Whether the collateral source compensation is certain or can be computed with sufficient certainty to enable its deduction while ensuring that beneficiaries receive the total compensation that is appropriate; and
4. The appropriate amount of the compensation that should be deducted, taking into account the time value of money and contributions made by the injured Claimant or Decedent in the nature of investment or savings.

6.22 What may be excluded from the definition of a collateral source benefit?

While it is not possible to define in advance every possible collateral source deduction, a few general illustrations should provide guidance.

1. The Special Master has discretion to exclude from consideration life insurance proceeds that are distributed to persons other than the beneficiaries of the VCF.
2. The Special Master has the discretion to adjust the amount of offsets to exclude premiums or assets that were accumulated by the injured Claimant or Decedent through self-contributions paid into a life insurance program to build up a tax-deferred cash value.
3. The Special Master may reduce the amount of the offset for a pension to take account of self-contributions to that plan over the injured Claimant's or Decedent's lifetime.
4. The collateral source offsets will not include monies or other investments in the injured Claimant's or Decedent's 401(k) accounts.

Moreover, the final regulations provide that tax benefits received from the Federal government as a result of the enactment of the Victims of Terrorism Tax Relief Act of 2001 (Pub. Law No. 107-134) will **not** be treated as collateral source compensation.

6.23 Will collateral offsets that are paid periodically be reduced for the time value of money?

Yes. The Special Master will only offset the present value of collateral source compensation. This has the effect of decreasing offsets and, thus, increasing the amount of awards. As an example, in the case of Social Security children's benefits, the Special Master would determine the monthly benefit to the child, multiply that benefit by the number of months remaining until the child reaches age 18 (taking into account possible limits such as maximum family benefits available), include — if consistent with Social Security guidelines — a factor for inflation, and then discount the total to present value to determine the amount of the offset.



6.24 Are charitable gifts offset? Will a benefit from a charity managed by a government agency be considered as a collateral offset?

No. The final regulations clarify that benefits from charities (privately-funded charitable entities) disbursing private donations will not be treated as collateral source compensation, even if such charities were created or managed by governmental entities.

6.25 Are payments made by the various State Victim of Crime Boards funded with federal funds considered collateral offsets?

No.

6.26 Will my workers' compensation be treated as a collateral offset?

The Special Master has determined that workers' compensation benefits that are contingent on future events will only be offset to the extent they have already been paid.

6.27 How will the Special Master calculate the appropriate offset for "contingent" benefits?

Some survivors may be eligible for benefits or payments from certain programs that provide periodic payments subject to adjustment or termination depending on potential future events that cannot be predicted. Examples include Social Security survivor benefits to the spouse of the Decedent. Such benefits are paid only under certain conditions and only for certain periods of time. Further, the benefits are paid periodically over a period of years.

Where the benefits to be paid due to death of the Decedent are uncertain, unpredictable or contingent on unknown future events, the amount of compensation to which the survivor is entitled can be impossible to compute with accuracy. In those instances, the Special Master has discretion not to require a **full** deduction where the amount of the collateral source compensation cannot be determined with reasonable certainty.

Thus, for example, the Special Master has determined that workers' compensation benefits that are payable only if the spouse does not remarry will only be offset to the extent they have already been paid. Likewise, Social Security and similar benefits payable to a surviving spouse only if the spouse does not remarry or does not earn income above a certain threshold will be offset only to the extent they have already been paid. By contrast, survivor benefits from the Social Security Administration and from the military to children of Decedents — who generally are entitled by law to periodic payments until they reach the age of 17 or 18 — can reasonably be computed and will be offset.

6.28 Will my Social Security survivor benefits that I am receiving for myself as a surviving spouse and for my children be counted as a collateral offset?

Social Security and similar benefits payable to a surviving spouse only if the spouse does not remarry or does not earn income above a certain threshold will be offset only to the extent they have already been paid. Survivor benefits from the Social Security Administration and from the military to children of Decedents — who generally are entitled by law to periodic payments until they reach the age of 17 or 18 — can reasonably be computed and will be offset.

6.29 Will the money the Decedent spent on premiums for his/her life insurance plan be included in the offset?

The Special Master has discretion to adjust the amount of offsets to exclude premiums or assets that were accumulated by the Decedent through self-contributions paid into a life insurance program to build up a tax-deferred cash value.



6.30 Will the money the Decedent contributed to his/her pension be included in an offset?

The Special Master may reduce the amount of the offset for a pension to take account of self-contributions to that plan over the Decedent's lifetime.

Disability Determinations

6.31 How will the VCF determine an individual's level of disability or incapacity for purposes of calculating economic loss? *(Added: December 5, 2011)*

For purposes of calculating economic loss, the VCF will consider whether the claimed injury or condition caused temporary or permanent disability or incapacity as well as whether the disability or incapacity is partial or total. The VCF may consider determinations of disability made by certain government agencies and private insurance companies in evaluating the claim.

For example, if an individual is claiming a total permanent disability due to a covered injury or condition, the VCF may accept a determination of disability made by the Social Security Administration - provided that determination is based on the same covered injury or condition - without further medical evidence or review. The VCF may also consider a determination of permanent disability made by other government agencies (e.g., state workers' compensation programs) or private insurers in evaluating the claim. In some cases, the VCF may require an additional medical evidence to support a claim of disability. Claimants should therefore submit to the VCF for review and consideration any disability determinations made by the Social Security Administration and other government agencies, as well as any evaluations performed by private doctors, insurers or institutions.

If an individual is claiming a temporary disability, the VCF may consider evidence regarding the length of time the Claimant was absent from his or her employment.

6.32 Are there specific medical records that I must submit with my Compensation Form to demonstrate my economic loss? *(Added: July 24, 2012)*

Economic loss consists of two aspects – prior loss and future loss. Your past economic loss will be based on actual documented out-of-pocket expenses resulting from an eligible condition. Any projected future losses will be based on the circumstances of your condition and a showing of the likelihood that you will continue to incur losses or expenses in the future. For example, if you are disabled as a result of the eligible injury/condition and cannot work at all or cannot work as much or in the same capacity as you did before the onset of the eligible injury/condition, then the VCF will compute an economic loss based on the reduced work capacity.

- If you are not disabled or you do not claim that you will suffer economic loss in the future as a result of your injury:
 - You do not need to submit medical records unless those records are necessary to document your past and future medical expenses and losses.
 - It is more likely that there are other documents that will show past lost wages or expenses – such as employer statements, determinations of temporary disability and receipts for expenses.
- If you are claiming a disability and believe that you will have lost wages or expenses in the future as a result of your injury:
 - You will need to submit documents that show your disability. The types of documents that will help you to show disability are: disability determinations from the Social



Security Administration (SSA), a state workers compensation board, an employer (like the FDNY) or a private insurer. The VCF will review these documents and will advise you if additional records or information is required. Please remember that you will be eligible for future economic loss only if that loss is caused by an eligible condition.

- If you are claiming a disability with the VCF but you believe that the disability determination that you have received from another organization does not accurately show your current condition, then the VCF will likely need additional records such as an updated disability determination from a treating physician or an organization such as the SSA, workers compensation, or private insurer. The VCF will provide guidance after reviewing your claim.

6.33 What types of documents will the VCF accept to demonstrate a WTC-related disability for FDNY Claimants? (Added: July 26, 2012)

FDNY Claimants should submit the following three (3) documents to demonstrate that they have been found to be disabled as a result of a VCF-eligible condition or injury. **Please note:** Proof of disability is only required if you are claiming a loss of future earnings and/or replacement services:

- 1) The FDNY Medical Board Committee Report:** This is a report from the Chief Medical Officer of the FDNY on FDNY letterhead regarding the "Result of Medical Committee," which summarizes the FDNY member's WTC-related exposure, medical history, diagnosis and the Medical Board Committee's recommendation as to the extent of the member's disability and fitness for firefighting duty.
- 2) Recommendation of the FDNY Pension Fund re: Accident Disability – Lung Bill + WTC Bill:** This is a recommendation of the 1-B Medical Board on FDNY letterhead regarding whether the Claimant should be awarded an accident disability retirement under the Lung Bill and/or the WTC Bill.
- 3) Letter from the Board of Trustees of the Fire Department Pension Fund Regarding Award of Accident Disability Retirement: WTC Bill:** This is a letter issued to the Claimant on FDNY letterhead from the Director of the Board of Trustees of the Fire Department Pension Fund regarding whether the Board approved or disapproved the Claimant's application for accident disability retirement under the WTC bill.

Failure to submit these three (3) documents will delay the processing of your claim. If you have already submitted these documents with your Eligibility Form, you do not need to re-submit them with your Compensation Form. All documents are subject to verification and authentication procedures undertaken independently by the VCF.



Section 7. Waiver/Certification

7.1 What does it mean to waive rights to file a lawsuit?

- If you are an injured Claimant, you will, once your Eligibility Form is submitted and deemed substantially complete, waive your right to file a lawsuit against any entity seeking compensation for the injury sustained as a result of the September 11th attacks or subsequent debris removal. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.
- For deceased individuals, by filing a substantially complete Eligibility Form, the Personal Representative will waive rights to file an action seeking compensation for the Decedent's death. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. The statute may be interpreted to mean that the submission of a claim for a deceased individual will waive the rights of other beneficiaries of that individual to file a lawsuit.

7.2 Whose rights are waived by filing a claim?

The Claimant's rights are waived. The statute may be interpreted to mean that the submission of a claim for a deceased individual will waive the rights of other beneficiaries of that individual to file a lawsuit.

7.3 When do I give up my rights to file other claims in court?

You waive your rights once your submission of an Eligibility Form is deemed substantially complete based on the determination of a Claims Evaluator. When submitting your Eligibility Form, you will sign an acknowledgment that your right to file a lawsuit is waived once your Eligibility Form is deemed substantially complete. After the VCF receives your signed attestations and certifications (including this acknowledgment), a Claims Evaluator will begin evaluating your claim. Your Eligibility Form will be deemed substantially complete before or at the time that you receive an eligibility determination. **Thus, be advised that you may waive your rights to file other claims before you find out whether you are eligible for compensation from the VCF.**

You may submit both portions of the claim form – the Eligibility Form and the Compensation Form – at the same time, or you may choose to file the Eligibility Form before filing the Compensation Form. Even if you file both Forms together, the VCF will make separate determinations about when each portion is substantially complete. That is, your Eligibility Form will likely be deemed substantially complete before your Compensation Form. Regardless of whether you file the Forms together or separately, your right to file a lawsuit is waived once your Eligibility Form is deemed substantially complete.

7.4 What happens if I file a claim with the VCF and also file a lawsuit against someone who is not a “knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act”? *(Updated: November 22, 2011)*

Section 405(c)(3)(C)(i) of the statute states that a Claimant to the VCF “waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, or for damages arising from or related to debris removal” and makes exceptions only for lawsuits “to recover collateral source obligations” and lawsuits against a defendant that is a “knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.” If you file a claim with the VCF and later file a lawsuit against someone who is not a “knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act,” you are still eligible for compensation from the VCF, but your lawsuit will be dismissed. Please be advised



that in order to file a claim with the VCF, all pending and prior September 11th-related lawsuits must be settled or withdrawn in accordance with the rules described in FAQ 2.13.

7.5 What documentation is required to demonstrate the timely “withdrawal” of a pending lawsuit related to September 11, 2001 – i.e., withdrawal of the lawsuit on or before January 2, 2012? (Updated: April 19, 2012)

You must submit a copy of the notice of withdrawal/dismissal *filed on or before January 2, 2012* by the Claimant (or on behalf of the Claimant). This proof must include confirmation that the notice was filed with the court. For example, you can submit the actual notice showing the file stamp or a confirmation from the ECF system. In addition, the VCF will not issue payment on any claim (assuming the claim is eligible) until it receives the final order of the court confirming the withdrawal and dismissal of all claims.



Section 8. Funds and Awards

8.1 When will I receive my full award?

Once the Eligibility Form is fully submitted and is determined to be substantially complete, the VCF will issue a determination on eligibility. If you are determined to be eligible, the VCF will issue a determination on compensation once your Compensation Form is fully submitted and deemed substantially complete. You will have the right to appeal both determinations. Once you have accepted the award or completed the appeal process, the VCF will issue a payment within 20 days of that date.

These initial payments will not contain a Claimant's full award. In order to ensure that there is enough money to make a payment to every Claimant who is entitled to receive a payment, the Zadroga Act provides that the first payment to each Claimant should contain a portion of the full award. As a result, the size of that first payment will depend on the amount of the Claimant's full award, as well as the total number of Claimants and the amount of money available. The Zadroga Act provides that most of the available money will be distributed at the end of the program, so in most cases these initial payments will be significantly less than the full award. The Zadroga Act provides that \$875 million will be available to pay claims in the VCF's first five years.

The Act provides that the remainder of the award may be paid five years after the VCF opens. Claimants can thus expect to receive the rest of their payment in 2016-2017. Depending on the number and type of claims, and in order to ensure that all eligible Claimants receive an award, the Zadroga Act's cap on funding means that it is possible that those payments will be pro-rated.

Because initial payments will reflect only a portion of the total payment that a Claimant can expect to receive, the Claimant may wish to consult with a financial planner regarding how to make best use of the payments as they are received.

8.2 Will there be a procedure for receiving early payments, or "advance benefits," as they were known in the first VCF?

No. The Zadroga Act requires two rounds of payments: an initial payment to each eligible Claimant during the VCF's first five years, after the Claimant's claim has been reviewed, followed by a second payment in the VCF's sixth year. Although the VCF will not offer early "advance" payments, if it becomes apparent that sufficient funding is available for additional payments before the sixth year, the final regulations give the Special Master discretion to make such additional payments.

8.3 What are the options for receiving my payment from the Fund? *(Added: January 15, 2013)*

If the payee resides in the United States, payment will be made via an electronic deposit directly to a regular checking or savings account. Payments will be made by the U.S. Department of the Treasury using the Automated Clearing House (ACH) electronic payment system.

8.4 Can direct deposit payments be made to money market or brokerage accounts? *(Added: January 15, 2013)*

No. The U.S. Department of the Treasury only uses ACH payments. Thus, the Fund can only make direct deposit payments to a regular checking or savings account.



8.5 If I reside outside the U.S. can payments be made through direct deposit to a foreign bank? *(Added: January 15, 2013)*

No. Payments to offshore recipients cannot be made through direct deposit. These payments must be in the form of checks. The U.S. Department of the Treasury will issue the checks and forward them to the Department of Justice. The Department of Justice will then send the check to you via express mail.

8.6 How do I provide my bank account information to the Fund? *(Added: January 15, 2013)*

You will need to complete the "VCF ACH Payment Information Form". The Fund will mail you the form at the point when your payment information is needed or you may download it [here](#). You will need to complete the first part of the form and have a representative from your financial institution complete the second part of the form. A representative of the financial institution must sign the form to confirm the account information is accurate. Once the form is complete, please send or fax the completed form directly to the Fund. You may also upload a completed copy of the form to your online claim.

8.7 Where do I find the payment information form? *(Added: January 15, 2013)*

You can download the "VCF ACH Payment Information Form" [here](#) or you can call the toll-free Helpline and request a paper form be mailed to you. Although you may complete this form at any time, the Fund will notify you and send you a copy of the form when your claim has reached the point in the process where payment information is needed.

8.8 I use an online bank. Since they do not have physical offices, how do I get them to complete the VCF ACH Payment Information Form? *(Added: January 15, 2013)*

The Fund suggests that you contact your bank and ask about options for mailing or faxing the form to them. Your bank can also download a blank form [here](#) and complete it on your behalf. You can work with your bank to determine the best way to complete the form. Please remember that a representative from the online bank must sign the form to validate the account information.

8.9 Our law firm has an agreement with our clients that Fund payments will be made directly to the law firm bank account on behalf of the claimant. What information must we provide to the Fund to make payments directly to the law firm account? *(Added: January 15, 2013)*

If your law firm has an agreement with the claimants you represent that VCF payments will be made directly to a bank account maintained by the law firm to hold and distribute proceeds obtained on behalf of clients of the firm, the VCF will require two documents:

1. **"VCF ACH Payment Information Form"** (available [here](#)) - you will need to complete this form for each unique bank account to which Fund payments will be made. You only need to complete this form one time for each account, regardless of the number of claimants you represent whose claims will be paid to the account. Please note that if you intend to have payments made to more than one firm account, you will need to provide written instructions to the VCF outlining the specific account to which the payment for each claim should be paid. You may provide this information in a letter for each claim, or as a list of claim numbers and claimant names matched to the specific bank account.
2. **Client Authorization** – in addition to the VCF ACH form, you will also need to submit a document that confirms the claimant has authorized VCF payments to be made directly to the law firm account. This document must be submitted as an **original, signed, and notarized** document and must include the following information:



- Language indicating the document and the information it contains is specific to payments from the September 11th Victim Compensation Fund
- Claimant Full Name, VCF Claim Number, and Claimant Social Security Number
- State and County in which the document was signed and notarized
- A statement taken under oath authorizing the VCF to make payment to the law firm account



Section 9. Hearing/Appeals

9.1 When can I have a hearing?

If you seek to appeal a decision of the Special Master, you can elect to submit a paper appeal or to have a hearing.

9.2 How long will hearings last?

There is no specific time limit. However, the Special Master does not expect that hearings will last more than a few hours.

9.3 Will I be able to have a hearing?

Yes. Any Claimant or Personal Representative who wants to can have a hearing. It is your option.

9.4 Who will conduct the hearings?

The hearings will be conducted by the Special Master or designees of the Special Master who will be trained expressly for this procedure. Designees will be qualified, trained individuals.

9.5 Can I present evidence or witnesses at the hearing?

Yes. These hearings will be conducted in a non-adversarial manner. The objective of the hearing is to permit the Claimant or Personal Representative to present information or evidence that he or she believes is necessary for a full understanding of the claim. You will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer will be permitted to examine the credentials of experts.

9.6 Who can present information or evidence at the hearing?

The Personal Representative or the physically injured Claimant, any witness the Personal Representative or the physically injured Claimant wishes to have, and any interested party may present information or evidence at the hearing.

9.7 Will decisions be made on the spot at a hearing?

No. You will receive the decision of the Special Master after the hearing.



Section 10. Legal Issues

10.1 Is my VCF award taxable?

The awards are not subject to federal income tax. In Revenue Ruling 2003-115, the Internal Revenue Service determined that periodic payments made to a Claimant of the VCF pursuant to certain agreements are excluded from the gross income of the Claimant. Similarly, any payments to an estate or secondary beneficiary pursuant to such agreements are excluded from the gross income of the successor beneficiary.

10.2 Can my VCF award be seized in a bankruptcy proceeding?

How an award is handled in bankruptcy will depend on the facts and circumstances of each individual's situation. An attorney may be able to provide more information based on each individual's particular case.

10.3 If I am eligible for the VCF, am I also eligible for veterans benefits?

The VCF is open to certain individuals who suffered personal injuries or death as a result of the terrorist-related aircraft crashes of September 11th or subsequent debris removal, regardless of whether they qualify as veterans. Individuals with questions about their eligibility for veterans benefits should contact the Department of Veterans Affairs. The Zadroga Act requires the Special Master to apply certain offsets to reduce the amount of compensation by the amount of collateral source compensation that the Claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11th or subsequent debris removal. Whether veterans benefits will be offset (so that the award is reduced) will depend on the specific benefit (i.e., what the benefit is for and whether it is contingent.)



Section 11. Attorney-Client Issues

11.1 Do I need an attorney to participate in the VCF?

No, you are not required to have an attorney. You are free to consult with attorneys and you should make your own decision as to whether you wish to engage an attorney. Some attorneys have indicated a willingness to provide some assistance on a pro bono basis.

11.2 If I choose to use an attorney, how will the attorney be paid?

The VCF will not reimburse Claimants for fees charged by their attorneys. Such fees must be paid by the Claimant. The Zadroga Act also provides a limitation on how much an attorney may charge in connection with the VCF. Under the Zadroga Act, attorneys may not charge any Claimant more than 10% of the payment the Claimant receives as a VCF award.

Attorneys who also charged their client a fee in connection with certain other September 11th-related litigation and settlement may only charge that client for representation before the VCF if the attorney's total charge for both representations does not exceed 10% of the client's total award in the other September 11th-related litigation.

11.3 If I was a plaintiff in another September 11th lawsuit, and my attorney signed a release before the bill was enacted and I opt in to that settlement, am I eligible for the VCF? *(Updated: April 19, 2012)*

The Zadroga Act states that if an individual tendered a release after the Zadroga Act was enacted on January 2, 2011, the individual is not eligible for the VCF. The VCF will address the question of eligibility on a case-by-case basis. If your attorney had authority to sign a release on your behalf and that release was signed and submitted to the defendant consistent with the terms of the settlement agreement between the Claimant and the defendant prior to January 2, 2011, then the release will not bar the VCF claim. If the release was tendered by that date but did not release all claims in the lawsuit, you may still be eligible for compensation from the VCF if all remaining claims in the lawsuit were withdrawn by January 2, 2012. (See FAQ 7.5 for more information on what constitutes "timely withdrawal.")

11.4 Where can I find out information about the settlements achieved in New York courts?

The VCF cannot provide information about private settlements. The VCF is a government program, established by Congress, and is separate from the lawsuits between individuals and the Port Authority, the Captive Insurer, and others. Individuals with questions about the settlements should contact their lawyers.

11.5 Will settlements in civil suits regarding injuries related to September 11th affect my award in the VCF?

Yes. The Act provides that the amount of the award shall be reduced by the amount of collateral source compensation that the Claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001 or debris removal. Therefore, settlement payments from lawsuits will be deducted from any award.

11.6 If I no longer want the VCF to communicate with an attorney about my claim, or if I want to change the authorized attorney on my claim, how do I revoke the authorization that I previously provided to the VCF? *(Added: August 22, 2012)*

Claimants may authorize the VCF to communicate with their attorney by completing Part I.C. and Attestation G (for Physical Injury Claimants) or Attestation F (for Deceased Claimants) of the Eligibility Form. If you previously authorized the VCF to communicate with an attorney and you now wish to



revoke this authorization (for example, if the attorney no longer represents you), you must notify the VCF in writing that you wish to do so. Your letter should include your Claim Number and should identify the attorney whose authorization you are revoking.

If you would like to authorize the VCF to communicate with a different attorney, your letter should also include your new attorney's contact information and their user name for the VCF's online claim system. You must also submit a new Attestation G (for Physical Injury Claimants) or Attestation F (for Deceased Claimants), which are available under Part IV of the online claim form or at www.vcf.gov on the "How to File a Claim" page. If you cannot download the appropriate Attestation, you may request that the VCF mail you the Attestation by calling the toll-free helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-353-0356.

Once you have completed and signed the Attestation, submit it to the VCF by mail at:

September 11th Victim Compensation Fund
P.O. Box 34500
Washington, D.C. 20043

11.7 How does my attorney provide me access to my online claim if my attorney registered me through the VCF's online claim system? *(Added: August 22, 2012)*

Your attorney can request that you be provided access to your online claim by calling the toll-free helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-353-0356.

11.8 How do I provide my attorney with access to my online claim if I registered through the VCF's online claim system? *(Added: August 22, 2012)*

You can request that your attorney have access to your online claim by calling the toll-free helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-353-0356.